



TOWN OF RIVERHEAD

New York

Yvette Aguiar
Supervisor

Tim Hubbard
Councilman

Regular Meeting Agenda
Tuesday, April 5, 2022 – 2:00
PM

Frank Beyrodt Jr.
Councilman

Kenneth Rothwell
Councilman

Robert Kern
Councilman

Diane Wilhelm
Town Clerk

I. Call to Order

II. NOTICE

- **Notice with Zoom Credentials**

III. INVOCATION by Rev. Andrew Montoro of the Community Baptist Church in Riverhead

IV. ANNOUNCEMENTS

V. MINUTES APPROVED

- **Town Board - Regular Meeting - Mar 16, 2022 6:00 PM**

VI. CORRESPONDENCE

- **Dennis Murray Comments on Inappropriate Flag**
- **Paul Sparrow Letter and Partition Re: Traffic Safety Issues with BJ's Gas Station**
- **Karen Blumer Rescind Appointment of David Kapell as Co-Chair of DRI**
- **Bryan Carroll Letter Re: Concerns About Procurement Policy or Other Town Issues**
- **Connor Burke Letter and Petition for Dredging Reeves Creek**
- **Greater Jamesport Civic Letter with Concerns of Chapter 255 Changes**

VII. REPORTS

- **Tax Receiver, Total Tax Collection to Date as of March 16, 2022 - \$93,163,340.58**

- **Tax Receiver, Total Tax Collection to Date as of March 23, 2022 - \$93,430,201.46**
- **Tax Receiver, Total Tax Collection to Date as of March 30, 2022 - 93,600,268.18**
- **Building Department, March 2022 Monthly Report - \$134,433.00**
- **Town Clerk, March 2022 Monthly Report - \$11,484.34**

VIII. PUBLIC HEARINGS

- **2:00 PM Public Hearing Riverhead Sewer District**
- **Public Hearing - Site Plan Suffolk Theater**
- **2:10 PM Public Hearing Rental Dwellings**
- **2:15 PM Public Hearing Amend Parades and Assemblies**

IX. COMMENTS ON RESOLUTIONS

X. RESOLUTIONS

- 1. 2022-247 Authorizes the Removal of Fixed Assets**
- 2. 2022-248 Sets Fees for the Spring/Summer Brochure**
- 3. 2022-249 Ratifies Acceptance of Donation**
- 4. 2022-250 Authorize Purchase of a 2022 or Newer Vactor Truck by The Town of Riverhead Highway Department**
- 5. 2022-251 Awards Bid for Printing of Recreation Brochure**
- 6. 2022-252 Approves Special Event Chapter 255 Application for Riverhead Country Fair**
- 7. 2022-253 Amends Resolution 2022-79 Approving Special Event Chapter 255 Application for Race Track Not Street at EPCAL 2022 Spring Classic**
- 8. 2022-254 Authorizes the Supervisor to Execute a Stipulation with the CSEA Local 1000, AFSCME, AFL-CIO, the Riverhead Town Police Benevolent Association and the Riverhead Town Police Superior Officers Benevolent Association**
- 9. 2022-255 Attendance of One Police Department Employee to the Traffic Safety Conference**
- 10. 2022-256 Reclassifies a Principal Office Assistant in the Engineering Department**
- 11. 2022-257 Reassigns the Salary of an Account Clerk**
- 12. 2022-258 Accepts the Retirement of the Town Personnel Officer**
- 13. 2022-259 Ratifies and Approves the Interdepartmental Transfer of an Employee**
- 14. 2022-260 2022-260: Accepts Highway Superintendent's Personnel Report & Request for Town Board Resolution to Effectuate**

- 15.2022-261 **2022-261: Accepts Highway Superintendent's Personnel Report & Request for Town Board Resolution to Effectuate**
- 16.2022-262 **2022-262: Accepts Highway Superintendent's Personnel Report & Request for Town Board Resolution to Effectuate**
- 17.2022-263 **2022-263: Round 17 Downtown Revitalization Grant Project #62204**
- 18.2022-264 **2022-264: Authorizes the Settlement of Claim Made Against the Town of Riverhead (Cynthia Dalsace)**
- 19.2022-265 **Authorizes the Supervisor to Execute an Agreement Nunc Pro Tunc With Long Island Telecommunications & Electronic Services, Inc.**
- 20.2022-266 **Authorizes Lawrence M. Levy, D/B/A On-Site Productions, Nunc Pro Tunc, to Provide Additional Audio/Visual Production Services For the Town of Riverhead DRI Public Meetings 3/21/2022**
- 21.2022-267 **Authorizes Lawrence M. Levy, D/B/A On-Site Productions, to Provide Additional Audio/Visual Production Services Regarding the Board of Assessment Review Hearing on May 17, 2022**
- 22.2022-268 **Authorizes the Supervisor to Execute an Agreement with Netflix Productions, LLC. for Use of Town of Riverhead Premises and for Police Department Personnel and Vehicles Regarding a Film Project**
- 23.2022-269 **Authorizes the Supervisor to Execute a License Agreement With Celtic Quest Inc.**
- 24.2022-270 **Assumes Lead Agency Status, Issues Negative Declaration Pursuant to SEQRA for the Site Plan Application of 38 East Main Street 38 East Main Street, Riverhead, NY (SCTM No. 600-129-4-10.1)**
- 25.2022-271 **Schedules a Public Hearing and Authorizes the Town Clerk to Public and Post Notice for a Public Hearing for the Site Plan Application of 38 East Main Street, Riverhead, NY (SCTM No. 600-129-4-10.1)**
- 26.2022-272 **Adopt Town of Riverhead Local Solid Waste Management Plan Update**
- 27.2022-273 **Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Article LVI Entitled "Site Plan Review" Chapter § 301-305 of the Riverhead Town Code**
- 28.2022-274 **Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Zoning and Land Development Part 2. Districts Article XXIX. Entitled "Downtown Center 1: Main Street (DC-1) Zoning Use District" of the Riverhead Town Code**
- 29.2022-275 **Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Entitled "Chapter 301 Zoning and Land Development, Attachment 3 "Commercial Districts Schedule of Dimensional Regulations" of the Riverhead Town Code**
- 30.2022-276 **Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Zoning and Land**

**Development Chapter 301. Zoning and Land Development Part 3.
Supplementary Regulations Article XLVII Supplementary Area
Regulations”**

- 31.2022-277 Publish and Post for Public Hearing to Amend Chapter 301 of the Code of the Town of Riverhead to Include Chapter 301-222.1 Small Lot Ordinance**
- 32.2022-278 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Entitled "Chapter 301 Zoning and Land Development, Attachment I "Parking Schedule" of the Riverhead Town Code**
- 33.2022-279 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Article XLV Entitled "Supplementary Use Regulations" of the Riverhead Town Code**
- 34.2022-280 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 271 Entitled "Smoking" of the Riverhead Town Code**
- 35.2022-281 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 251 of the Riverhead Town Code Entitled "Noise, Public Nuisances and Property Maintenance"**
- 36.2022-282 Grants Excavation/Exportation Permit as Provided by Chapter 229 TO Riverhead Chrysler, Dodge, Jeep Ram**
- 37.2022-283 Pays Bills**

XI. OPEN COMMENTS FROM THE PUBLIC

XII. ADJOURNMENT

**TOWN OF RIVERHEAD
NOTICE REGARDING TOWN BOARD MEETING**

PLEASE TAKE NOTICE that the Town Board Meeting scheduled for April 5, 2022 at 2:00 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York will proceed as scheduled.

PLEASE TAKE FURTHER NOTICE, that in addition to in person attendance, the public can view the April 5, 2022 meeting of the Town Board via the following methods:

1. Live stream; namely, by viewing it on your television on Channel 22;
2. Logging on the Town of Riverhead website, www.townofriverheadny.gov and clicking on the link “Channel 22” on Quick Links on the home page or by connecting to the URL, which is as follows: townofriverheadny.viebit.com/player_live.php
3. Zoom Meeting, log in as follows:

<https://us02web.zoom.us/j/85428172256?pwd=SXIXK2RwS25yYTZIZ3JMRWpMVm9OUT09>

Webinar ID: 854 2817 2256

Passcode: 308426

Dial-in: + 929 205 6099

PLEASE TAKE FURTHER NOTICE that the public hearing subject to participation via Zoom is as follows:

2:00 Public Hearing – Riverhead Sewer District
2:05 Public Hearing – Site Plan Suffolk Theater
2:10 Public Hearing – Rental Dwellings
2:15 Public Hearing – Amend Parades and Assemblies

PLEASE TAKE FURTHER NOTICE, that upon entering the Zoom meeting, you will be placed in a virtual audience. From there, you may either passively watch the public hearing live, or communicate to the moderator/host your request to make a comment during the public comment section for **PUBLIC HEARINGS, RESOLUTIONS and/or OPEN COMMENTS**. To alert the moderator/host of your desire to be heard, use the “CHAT” or “RAISE HAND” feature, then use the “CHAT” feature to inform the moderator/host of the following:

- 1) Name; 2) Hamlet; 3) Public Hearing, Resolution and/or Open Comment Topic.

If you are calling in, please dial *9 to “raise your hand”, so we can acknowledge your request to speak.

When it is your turn to speak, your status will be temporarily changed so you can be unmuted and visible for the five-minute comment period. After five minutes, you will be placed back in the audience.

All comments/questions will be limited to five minutes. Please be patient; your admittance will be based on the volume of participants. Any problems or issues getting to the Town Board meeting via telephone or computer should be directed to (631) 727-3200 x655.

**Public Hearing
April 5, 2022 – 2:00 PM**

**NOTICE OF PUBLIC HEARING
RIVERHEAD SEWER DISTRICT**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Riverhead, Suffolk County, New York, will meet at the Town Hall, 200 Howell Avenue in Riverhead, New York, on **April 5, 2022, at 2:00 o'clock P.M.**, Prevailing Time, for the purpose of conducting a public hearing upon a certain map, plan and report, including an estimate of cost, in relation to the proposed increase and improvement of facilities of the Riverhead Sewer District, being, construction of sludge volume reduction/bio solids process control improvements to the Water Resource Recovery Facility at 2 River Avenue in Riverhead, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, site improvements, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$10,500,000. Said capital project has been determined to be an "Unlisted Action" pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), which it has been determined will not result in any significant adverse environmental impact. Full SEQRA compliance materials are on file in the Office of the Town Clerk where they may be inspected during regular office hours, upon appointment. At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Riverhead, New York,
March 16, 2022.

**BY ORDER OF THE TOWN BOARD OF THE TOWN OF
RIVERHEAD, SUFFOLK COUNTY, NEW YORK**

**/s/ Diane Wilhelm
Town Clerk**

**Public Hearing
April 5, 2022 – 2:05 PM**

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 5th day of April, 2022 at 2:05 p.m. to consider a Site Plan application seeking approval to construct a 59-ft. 4-in. tall addition to the rear portion of the Suffolk Theater for the purposes of constructing an expanded backstage area including dressing rooms, green rooms, restrooms, kitchenette, and other accessory space to the theater, approximately 2,970 sq. ft. of ground floor commercial space, and twenty-eight (28) apartments on upper floors, including twenty (20) studio units and eight (8) one-bedroom units, as well as related parking, lighting, and landscaping improvements, upon real property located at 118 East Main Street, and more particularly described as SCTM Nos. 600-129-1-8.4 and 600-125-6-66.4, are located within the Downtown Center 1 (DC-1) zoning use district.

Dated: March 1, 2022
Riverhead, New York

**BY THE ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
DIANE M. WILHELM, Town Clerk**

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC
HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 5th day of April, 2022 at 2:10 o'clock p.m. to amend Chapter §263, entitled "Rental Dwelling Units" of the Riverhead Town Code.

Be it enacted by the Town Board of the Town of Riverhead as follows:

Chapter 263. Rental Dwelling Units

§ 263-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

RENEWAL RENTAL OCCUPANCY PERMIT

A permit which is to be issued to the owner of a rental dwelling unit where such premises has been the subject of a rental occupancy permit continuously prior to the date of application for the permit.

RENTAL OCCUPANCY PERMIT

A permit which is issued upon application to the Code Enforcement Official and shall be valid for two years from the date of issuance.

A permit which is issued to the owner of rental dwelling unit(s) by the Code Enforcement Official (CEO) whereby such owner has submitted a completed rental occupancy application or rental renewal application; secured a valid rental occupancy registration and successfully passed an safety inspection in accordance with this chapter.

RENTAL OCCUPANCY REGISTRATION

The registration of a rental dwelling on a form that is approved by the Code Enforcement Official.

A registration which is valid for ninety (90) days and issued upon filing of an "approved" rental permit application or rental renewal application submitted to the Town of Riverhead for which a rental occupancy permit is sought. For the purpose of this definition the term "approved" shall mean approved by the Code Enforcement Official.

§ 263-5. Application for rental occupancy permit.

A. An application for a rental occupancy permit for a rental dwelling unit shall be made in writing to the Code Enforcement Official on a form provided therefor. Such application shall be filed and shall include the following:

- (1) The name, address and telephone number of the owner of the dwelling unit intended for rental occupancy. In the event that said dwelling unit is owned by more than one individual or entity, each owner's name, address and telephone number shall be provided. In the event that the owner of the dwelling unit intended for rental occupancy is a corporation, partnership, limited-liability company or other business entity, the name, address and telephone number of each owner, officer, principal, shareholder, partner and/or member of such business entity shall be provided. In the event that the owner has an authorized agent acting on his behalf, that person's name, address and telephone number shall also be provided.
- (2) Proof of residency of each owner.
- (3) The street address and Tax Map designation (section, block and lot or lots) of the premises intended for rental occupancy or the premises in which the rental dwelling units intended for occupancy are located.
- (4) A description of the structure, including the number of rental dwelling units in the structure.
- (5) ~~A floor plan depicting the location, use and dimension of each room situated within the dwelling unit.~~
- (5) An accurate and legible floor plan drawn with a straight edge in scale, including all floor levels and basement, neatly done which must include interior dimensions of all room walls and uses of all rooms i.e. hallways, kitchens, bathrooms, foyers, closets and any other common spaces; window locations and sizes for sleeping rooms; door dimensions, locations of smoke detectors and carbon monoxide alarms. The exterior outline and dimensions of the floor plans are to reasonably match the property survey.
- (6) The number of persons intended to be accommodated by, and to reside in, each such rental dwelling unit.
- (7) The name of each person that is and/or will be occupying the premises intended for rental occupancy. The name of each person that is and/or will be occupying the premises intended for rental occupancy shall not be required if:
 - (a) The rental dwelling unit only operates during a thirty (30) to a one-hundred-fifty-day period in the months of May, June, July, August and September and is seasonal by nature. and the person that is or

~~will be occupying said rental dwelling unit shall not be occupying such rental dwelling unit for more than 30 consecutive days; or~~

(b) ~~Said rental dwelling unit is a commercial hotel/motel business operating exclusively and catering to transient clientele, that is, customers who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel operation. For the purposes of this chapter, a "short duration" shall be defined as not more than 21 consecutive days.~~

(8) A copy of the most recent deed and real property tax bill, confirming the ownership of record of the dwelling unit.

(9) A copy of the certificate of occupancy or certificate of existing use for the dwelling unit.

(10) A property survey of the premises drawn to scale not greater than 40 feet to one inch or, if not shown on the survey, a site plan, drawn to scale, showing all buildings, structures, walks, driveways and other physical features of the premises and the number, location and access of existing and proposed on-site vehicle parking facilities.

(11) ~~A building permit application, properly prepared, for all proposed buildings, improvements and alterations to existing buildings on the premises, if any.~~

(11) Proof of an existing policy of homeowner's liability insurance. Acceptable forms of proof shall include:

- A letter from the insurer or agent certifying coverage, including the effective dates of the policy;
- A copy of the full insurance policy;
- A declaration page listing the property address, owner of record, coverage limits and effective dates of the policy.

(12) Each application shall be executed by and sworn to under oath by the owner of the dwelling unit.

(13) If the owner or authorized agent of a dwelling unit resides or has his principal place of business located outside the County of Suffolk, he is required to designate an agent who resides in the County of Suffolk for the service of process of any notices set forth in this chapter or for the service of process of a violation of this chapter. The failure to provide the name and address of an agent for service of process shall be deemed a violation of this chapter.

§263-5A. Life Safety Features Required for Third Floor Occupancies.

A. Notwithstanding any letter/s, designation/s, certification/s or other recognition/s that a structure is or maintains a use or condition existing prior to the adoption of any local zoning or building ordinances or codes, it shall hereafter be the policy of the Town of Riverhead that no rental permit shall be issued approving a rental occupancy of any residential structure wherein a third floor (above grade plane) is maintained and used as living or sleeping space and/or where more than two (2) separate and distinct rental dwelling units are contained within a structure unless a residential fire sprinkler protection system and interconnected smoke detection and alarm system, approved by the Riverhead Town Fire Marshal, is installed throughout the structure in accordance with the New York State Building and Fire Code.

B. Notwithstanding any letter/s, designation/s, certification/s or other recognition/s that a structure is or maintains a use or condition existing prior to the adoption of any local zoning or building ordinances or codes, it shall hereafter be the policy of the Town of Riverhead that no rental permit shall be issued approving a rental occupancy of any residential structure wherein a third floor (above grade plane) is maintained and used as living or sleeping space unless a secondary means of egress in accordance with the New York State Building and Fire Code, approved by the Riverhead Fire Marshal, is available in the event of a fire or other emergency condition.

§263-6. Fees. [Amended 7-3-2007 by L.L. No. 22-2007; 2-17-2016 by L.L. No. 7-2016]

A. A nonrefundable biennial permit application fee shall be paid, upon filing an application for a rental occupancy permit or for a renewal rental occupancy permit, in accordance with the following schedule of rental dwelling units per structure:

Type of Dwelling	Fee
1-unit	\$300
2-unit	\$400
3-unit	\$500
4-unit	\$650
More than 4 units	\$1,000, plus \$100 for each unit in excess of 5

A. A nonrefundable rental permit application fee shall be paid, upon filing an application, or renewal application, in accordance with the fee schedule established by resolution of the Town Board of the Town of Riverhead.

B. The fee required by this section shall be waived for any applicant who demonstrates that the dwelling unit is occupied by the immediate family of the owner of the dwelling unit as defined in this chapter.

C. Any commercial hotel/motel business operating exclusively and catering to transient clientele, that, is customers who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel operation, shall be exempt from the fee required by this section. For the purposes of this chapter, a "short duration" shall be defined as not more than 21 consecutive days. The exemption in this Subsection **C** shall not apply to any commercial hotel/motel whose primary purpose is to provide permanent residences to its customers, and they shall pay shall pay a biennial fee based upon the number of rental units, as established by resolution of the Town Board of the Town of Riverhead. ~~a biennial fee of \$1,000 per application, plus \$100 for each unit.~~ For the purposes of this chapter, "permanent residence" shall be defined as more than 21 consecutive days.

D. Any rental dwelling unit that only operates during a one-hundred-fifty-day period in the months of May, June, July, August and September only shall pay a biennial fee of ~~\$50 per unit.~~ as established by resolution of the Town Board of the Town of Riverhead.

E. Notwithstanding any other section of this chapter, any violation of ~~§ 263-6 § 263-9~~ for the failure to obtain or timely renew a rental permit by the owner(s) and/or tenant(s) shall be punishable as by the fines set forth in § 263-21 of this chapter. follows:

- (1) ~~By a fine of not less than \$250 and not exceeding \$1,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.~~
- (2) ~~By a fine of not less than \$1,000 nor more than \$3,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second of two offenses, both of which were committed within a period of five years.~~
- (3) ~~By a fine of not less than \$2,000 nor more than \$5,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the third or subsequent offenses of a series of offenses, all of which were committed within a period of five years.~~

F. ~~Each week's continued violation shall constitute a separate additional violation.~~

§ 263-7. Compliance with Town, county and state laws required. [Amended 5-7-2019 by L.L. No. 13-2019]

- A. No rental occupancy permit or renewal thereof shall be issued under any application unless the property shall be in compliance with all the provisions of the Code of the Town of Riverhead, the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York.
- B. ~~Prior to the issuance of any rental occupancy permit or renewal thereof, the property owner shall provide a certification from a licensed architect, a licensed professional engineer or a Code Enforcement Official that the property which is the subject of the application is in compliance with all of the provisions of the Code of the Town of Riverhead, the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York.~~
- C. B. In the case of mobile home units situated within a mobile home park, it shall be the responsibility of the applicant and owner of such unit to provide a copy of the permit issued hereunder to the office, owner, agent and/or manager of the mobile home park within 30 days of same being issued.

§ 263-8. Review of application; inspections and issuance of permit.

~~The Code Enforcement Official shall review each rental permit application for completeness and accuracy and shall make an on-site inspection of the proposed rental dwelling unit or units unless the property owner has chosen to provide a certification from a licensed architect or a licensed professional engineer that the property which is the subject of the application is in compliance with all of the provisions of the Code of the Town of Riverhead, the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York. If satisfied that the proposed rental dwelling unit or units, as well as the premises in which the same are located, comply fully with all applicable state and local laws, ordinances, rules and regulations of the county and Town, and that such rental dwelling unit or units would not create an unsafe or dangerous condition or create an unsafe and substandard structure as defined in the Riverhead Town Code or create a nuisance to adjoining nearby property, the Code Enforcement Official shall issue the rental occupancy permit or permits.~~

- A. The Code Enforcement Official (CEO) or his designee shall review each application for completeness and reject incomplete applications. The Code Enforcement Official (CEO) shall create and approve the application requirements in accordance with this chapter.
- B. Upon properly filing a completed application with the Rental Housing Division, the Code Enforcement Official (CEO) shall grant a rental occupancy registration valid for ninety (90) days.

C. Inspection report. Within ninety (90) days of receiving a temporary rental occupancy registration, the owner of the rental dwelling unit shall:

- (1) arrange for an inspection of the unit or units and the premises on which the same are located by the Code Enforcement Official (CEO) or his designee employed by the Town of Riverhead, or
- (2) provide to the Code Enforcement Official (CEO) an inspection report designed and approved by the Code Enforcement Official (CEO), signed by either a New York State licensed professional engineer, New York State licensed architect or home inspector who has a valid New York State Uniform Fire Prevention Building Code certification either as a Building Safety Inspector or Code Enforcement Official that the structure and the dwelling units contained therein meet all applicable housing, sanitary, building, electrical and fire codes, rules and regulations. Upon receipt of the approved inspection report, the Code Enforcement Official (CEO) shall issue a rental occupancy permit valid for two-years from the date of the issuance of the temporary rental occupancy registration.

D. Any owner for which a ninety (90) day valid rental occupancy registration has expired and who has failed to arrange for an approved method of inspection pursuant to **§263-8 subsection C** of this chapter will be administratively penalized and charged a re-registration submittal fee \$100.00 per rental unit. No rental occupancy permit will be processed until such fee is paid.

§ 263-9. Term and renewal.

- A. All rental occupancy permits issued pursuant to this chapter shall be valid for a period of two years from the date of issuance of the rental occupancy registration, except for any rental occupancy issued after the effective date of January 1, 2023 whereby rental occupancy permits shall be valid for a period of one (1) year from the date of issuance of the rental occupancy registration.
- B. Renewals.
 - (1) A renewal rental occupancy permit application signed by the owner on a form provided by the Code Enforcement Official shall be completed and filed with the Code Enforcement Official no later than 60 thirty (30) days before the expiration of any prior valid rental occupancy permit. A renewal rental occupancy permit application shall contain a copy of the prior valid rental occupancy permit issued by the Code Enforcement Official.
 - (2) A renewal rental occupancy permit application shall contain a signed sworn statement setting forth the following:

- (a) That there are no existing or outstanding violations of any federal, state or county laws, rules or regulations or of any Town of Riverhead local laws or ordinances pertaining to the property; and
- (b) That there are no changes to any information as provided on the prior valid rental occupancy permit registration and application; and
- (3) Proof of an existing policy of homeowner's liability insurance as set forth at §263-5(A)(11) shall be submitted together with a renewal rental occupancy permit application.
- (4) Prior to the issuance of a renewal rental registration, the owner shall cause an inspection of the unit or units and the premises on which the same are located to take place pursuant to §263-8 subsection C of this chapter.
- (5) The Town of Riverhead shall not accept, review or approve any rental permit renewal applications for dwellings wherein the approved rental registration is expired in excess of one hundred and twenty (120) days without an inspection in conformance with §263-8 subsection C of this chapter. If the expiration date is beyond one hundred and twenty (120) days, the owner must file a new application in accordance with §263-5 hereinabove.
- (6) Failure to file a rental permit renewal application shall be a writable offense after thirty (30) days of expiry of the prior rental permit up to one hundred and twenty (120) days of expiry of the prior rental permit with a penalty set forth hereinbelow. Rental without a valid rental permit after one hundred and twenty days (120) shall be a violation as described in §263-4(A) and punishable as set forth in §263-21(D) below.

§ 263-16. Confidentiality of rental occupancy registrations and applications

Under New York State Public Officers Law § 87, Subdivision 2(b), rental occupancy registration forms, including applications, and that portion of the rental occupancy permit application required, shall be exempt from disclosure under the Freedom of Information Law on the grounds that such disclosure would constitute an unwarranted invasion of personal privacy. The Code Enforcement Official will institute strict policies to ensure that such information is available only to Town personnel who are engaged in the enforcement of the provisions of this chapter.

§ 263-21. Penalties for offenses.

- A. Any person, association, firm or corporation which violates any provision of this chapter or assists in the violation of any provision of this chapter other

than subsection (D) hereinbelow shall be guilty of a violation, punishable as follows:

- (1) By a fine of not less than \$250 \$500.00 and not exceeding \$1,000 \$1,500.00 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.
- (2) By a fine of not less than \$1,000 \$1,500.00 nor more than \$3,000.00 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second of two (2) offenses, both of which were committed within a period of five (5) years.
- (3) By a fine of not less than \$2,000 \$2,500.00 nor more than \$5,000 \$6,000.00 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the third or and any subsequent offenses of a series of offenses, all of which were committed within a period of five seven (7) years.

B. Each week's continued violation shall constitute a separate additional violation.

C. In the case of persons, associations, firms or corporations owning or managing multiple dwelling units within the Town of Riverhead, second, third and any subsequent violations charged hereunder shall not be exclusive to a particular dwelling unit, but shall encompass all dwelling units owned or managed by such persons, associations, firms or corporations within the Town.

D. A violation issued for failure to timely renewal a rental permit application as set forth at §263-9(B)(6) is hereby declared to be an offense punishable by a fine of not less than \$100.00 nor more than \$250.00.

E. Upon motion of the prosecuting attorney, the court may dismiss the violation or reduce the minimum fine imposed where it finds that the defendant had cooperated with the Town of Riverhead in the investigation and/or prosecution of a violation of this chapter. Factors which the court may consider include, but are not limited to, a report from the office of the Town Attorney confirming that the defendant did in fact cooperate and whether:

- (1) The defendant reported the violation(s) to the Town of Riverhead;
- (2) The defendant assisted the Town of Riverhead in investigating and prosecuting the violation(s);
- (3) The defendant provided access to the rental property and promptly submitted an application seeking to duly acquire a rental permit;

(4) The defendant promptly pursued his/her/its own rights under the lease to remedy the violation or adequately pursued an eviction proceeding;

(5) All violations existing at the rental property have been promptly remediated.

- Underscore represents addition(s)
- Overstrike represents deletion(s)

Dated: Riverhead, New York
March 16, 2022

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
DIANE M. WILHELM, TOWN CLERK**

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held before the Town Board of the Town of Riverhead, at 200 Howell Avenue, Riverhead, New York on the 5th day of April, 2022 at 2:15 p.m. to amend Chapter 255 of the Riverhead Town Code entitled, "PARADES AND ASSEMBLIES" as follows:

ARTICLE I

Parades, and Assemblies, and Block parties

[Adopted 7-20-1965 by Ord. No. 33 (Ch. 83 of the 1976 Code)]

§ 255-1. Purpose.

The Town Board of the Town of Riverhead, by this article, seeks to remove the danger to health and life caused by the possibility of congestion by parades or assemblies or block parties on the sidewalks, streets, avenues, highways, parkways and other public places in the Town of Riverhead. The Town Board hereby declares that this article shall in no way interfere with the right of public assembly, but is strictly for the purpose of regulating traffic, both vehicular and pedestrian.

§ 255-2. Definitions.

For the purpose of this article, the following terms shall have the meanings indicated:

PARADE and ASSEMBLY — An organized procession or march.

BLOCK PARTY — An outdoor festival held on an outdoor Town street.

§ 255-3. Permit required.

No parade or assembly or block party shall be permitted upon the sidewalks, streets, avenues, highways, parkways or other public places in the Town of Riverhead unless a Town of Riverhead Police Parade, Assembly, and Block Party permit shall have been first obtained from the Chief of Police of the Town of Riverhead or his designee after application therefor in writing to said Chief of Police or his designee.

§ 255-4. Application for permit parades, assemblies, and block parties; issuance or denial.
[Added 8-20-1968]

A. Application for such permit shall be on the form provided by the Police Department, addressed to the Chief of Police and filed with the office of the Chief of Police and filed at least 30 45 days prior to the scheduled event. The application for the permit shall state the following information: [Amended 6-7-2016 by L.L. No. 18-2016]

(1) The name and address of the person or organization sponsoring the event and the name and address of the person to whom the permit or other correspondence shall be mailed.

- (2) The proposed point at which the parade is to assemble, the proposed line of march and the proposed point at which it is to terminate. If there is to be a point at which persons shall assemble for any purpose other than the point of beginning and ending of the march, such point of assembly shall also be designated.
- (3) The proposed date and time of the parade or assembly and the number of persons and vehicles expected to participate.

B. The Chief of Police, upon receipt of an application containing the information required by this section, duly signed by the sponsor, shall issue a permit and mail the same to the address designated for that purpose in the application unless he finds that the date, time, route or point of assembly of the proposed parade or assembly conflicts with the date, time, route or point of assembly of a parade or assembly for which an application has previously been filed, or unless the proposed parade or assembly unreasonably interferes with the free flow of commerce or traffic for a substantial period of time.

C. If the permit is denied by the Chief, he shall state in writing the ground for his denial and give the same forthwith to the applicant and, if possible, suggest alternate dates, times, routes or places.

§ 255-5. Display of flag. [Amended 5-4-1976 by Ord. No. 33; 1-21-1992]

All assemblies and parades warranted by law, held in any of the streets, roads, avenues, highways, parkways or any other public places in the Town of Riverhead where public discussions are held, may have an American flag conspicuously displayed at all times during the holding of such assemblies.

§ 255-6. Density on private property. [Added 5-4-1976 by Ord. No. 33] Amendments to applications

~~The number of persons assembled on private property shall be restricted to a density of not more than 300 persons per acre.~~

Any amendment to the application for a parade or assembly permit shall be subject to an amendment fee of \$150. Amendments requiring the Town Board to adopt a resolution may include changes to the location, route, parking plan, number of people expected, etc. Amendments to fire safety plans or parking plans at the request of the Town shall not be considered amendments to the application.

§ 255-7. Penalties for offenses. [Amended 6-7-2016 by L.L. No. 18-2016]

A violation of any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of not less than \$250 nor more than \$1,000 ~~for each offense or by imprisonment for a period not exceeding 30 days, or by both such fine and imprisonment.~~

ARTICLE II

Special Events[Adopted 11-5-2003 by L.L. No. 23-2003 (Ch. 90 of the 1976 Code)]

§255-8. Purpose and Intent:

The purpose and intent of this article relating to Special Events is to support the Town-wide goal of maximizing the economic impact of the Town of Riverhead by providing for special events with the intention of supporting economic development and cultural tourism through opportunities to generate foot-traffic and attract tourists and patrons. Special events can further the concept of “Creative Placemaking and demonstrate support of collateral initiatives that will make the town more vibrant” and the perception of Riverhead as a destination instead of a Town to pass-by or through.

§ 255-8 255-9. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this article, have the meanings set forth below:

AMBULANCE CHIEF — The Chief of the Riverhead Volunteer Ambulance Corps.

CHARITABLE ORGANIZATION — An organization as defined in New York State Executive Law § 171-a, including but not limited to not-for-profit corporations. Such charitable organizations shall be recognized as exempt from federal taxation under Internal Revenue Code § 501 (c) and shall be duly registered with the Charities Bureau of the Attorney General of the State of New York, if required.[Added 12-18-2018 by L.L. No. 25-2018; amended 2-20-2019 by L.L. No. 5-2019; 10-2-2019 by L.L. No. 25-2019]

CHIEF OF POLICE — The Chief of Police of the Town of Riverhead.

FIRE CHIEF — The Fire Chief of the fire district in which the planned event shall be located.

FIRE MARSHAL — The Fire Marshal of the Town of Riverhead.

FOOD VENDOR — Each food or beverage vendor that the organizer plans to have at their event.[Added 12-18-2018 by L.L. No. 25-2018]

PERSON — Any individual, firm, partnership, association, corporation, company or organization of any kind, including a charitable, religious, membership, hospital or not-for-profit corporation.

SPECIAL EVENT — Any form of entertainment, eight weeks duration or less, open to the public with or without an admission fee and held on a one-time or occasional basis, which may include but not be limited to, for example, carnivals, circuses, fairs, bazaars and outdoor shows, horse shows or exhibitions, concerts, ~~road rallies and parades~~. A special event will not include any activity conducted at a permanent facility which has a valid use permit covering such activity. A special event shall not include any activity having fewer than 100 attendees/spectators at the event. A special event shall not include the use of public space by governmental agencies acting within the scope of their authority or authorized uses in the public space permitted by other chapters of this Code. A special

~~event with fewer than 100 attendees/spectators expected shall apply for necessary permits under Article I, Parades and Assemblies, of this chapter and/or Town Code Chapter 231, Fire Prevention.~~[Amended 6-7-2016 by L.L. No. 18-2016; 12-18-2018 by L.L. No. 25-2018]

A. A special event pursuant to this article includes, but is not limited to, a temporary and exclusive use by any person of any of the following events or combination thereof with a maximum expected attendance of 100 persons or more at any one time: [Amended 6-7-2016 by L.L. No. 18-2016]

- (1) Use of amusement devices;
- (2) Carnivals or circuses, including any exhibition involving amusement attractions or rides, spectacles, animals, side shows, games and the like;
- (3) Use of inflatable devices in excess of four feet in diameter, including any hot air balloons or any other inflatable objects;
- (4) Noise disturbances as defined and regulated under Chapter 251, Article I, Noise, of this Code, including activities for which a variance has been granted;
- (5) Use of powered equipment requiring connection to public power supplies or separate generator or power supply equipment, including:
 - (a) Heating, cooling, refrigerating or cooking devices;
 - (b) Sound amplification, public address, loudspeaker, audio, video or television systems;
- (6) Racing or athletic competitions and uses, including motor vehicle racing or running marathons, cross-country, bicycle, moped, skateboards, rollerblades, or any other contest or exhibition that is competitively timed or speed related;
- (7) Sales of alcohol beverages, including any activity requiring a special designated permit or other permit under the New York State Liquor Authority;
- (8) Sales of goods and merchandise, including food, clothing, supplies, equipment, concessions, souvenirs, balloons, candy, jewelry or any other similar items offered for sale;
- (9) Use of permanent or temporary structures, including stages, booths, canopies, tents, awnings, risers, bleachers, fences, partitions, stands, or similar constructions.

B. A special event shall not include the use of public space by governmental agencies acting within the scope of their authority or authorized uses in the public space permitted by other chapters of this Code.

SPECIAL EVENT PERMIT — A permit for a special event issued under this chapter.

[Added 12-18-2018 by L.L. No. 25-2018]

TOWN — The Town of Riverhead.

TOWN CLERK — The Town Clerk of the Town of Riverhead.

§ 255-9 255-10. Permit required; application. [Amended 12-18-2018 by L.L. No. 25-2018; 10-2-2019 by L.L. No. 25-2019]

A. Written permit required. Special event permit application.

- (1) Special event small gathering. Where 100 to 1,000 attendees are expected at the event ~~per calendar day at any one time~~, no person shall use, allow, let or permit property to be used for a special event unless a special event permit has been issued by the Town Board of the Town of Riverhead.
- (2) Special event large gathering. Where 1,001 to 4,000 attendees are expected at the event ~~per calendar day at any one time~~, no person shall use, allow, let or permit ~~property to be used for~~ a special event unless a special event permit has been issued by the Town Board of the Town of Riverhead.
- (3) Special event large massive gathering. Where 4,001 or more attendees are expected at the event ~~per calendar day at any one time~~, no person shall use, allow, let or permit property to be used for a special event unless a special event permit has been issued by the Town Board of the Town of Riverhead.

B. Required filing date. Application for such permit shall be on the form provided by the Town Clerk, shall contain all of the required information and material, addressed to the Town Board and filed with the office of the Town Clerk in accordance with the below filing dates based on the type of special event:

- (1) An application for a special event small gathering shall be filed at least 90 ~~45~~ calendar days prior to the commencement date of the special event small gathering.
- (2) An application for a special event large gathering shall be filed at least 120 ~~60~~ calendar days prior to the commencement date of the special event large gathering.
- (3) An application for a special event ~~massive~~ mass gathering shall be filed at least 180 ~~90~~ calendar days prior to the commencement date of the special event massive gathering.

C. Information and material to be submitted with a completed special event application. Such application shall include the following written material:

- (1) The name and address of the applicant; if the applicant is a corporation, the name of the corporation and the names and addresses of the president of the corporation; the proposed special event address; the name and address of the record owner of the subject property or properties and the nature and interest of the applicant in the property; proposed use of Town or other publicly owned properties if applicable.
- (2) Proposed dates and hours of the special event, including setup and shutdown times; expected maximum number of persons intended to use the property at one time and collectively, including organizers, employees, vendors, exhibitors and spectators; the expected number of automobiles and other vehicles intended to use the property at one time and collectively; ~~if there are animals, the approximate number and types of animals, the name, address and telephone number of the contractor providing and/or transporting the animals, the storage and provisions for disposal of all animal wastes; the purpose of the event, describing in detail the nature of the activities to be carried on and the admission fee to be charged, if any, and the name of groups, organizations, charities or individuals who shall benefit from the proceeds of the event.~~
- (3) ~~A plan and drawing, drawn to scale, showing the size of the property; the zoning district in which it is located; the streets or highways abutting said property; the size and location of any existing building, buildings or structures or of any proposed building, buildings or structures; the type and location of all signs to be erected for the temporary event; the location of the stage or tents, if any, proposed to be erected; the designated areas of use for spectators, exhibitors, vendors, employees, and organizers; the location of all exits; the location of all fire extinguishers and other fire safety equipment; and the location of all temporary utilities to be installed for the event.~~
- (4) ~~An environmental impact study.~~
- (5)(3) A certification by the applicant that all other applicable government approval as may be required, including but not limited to approvals/permits from the Suffolk County Department of Health Services, the New York State Department of Health and the New York State Liquor Authority, shall be obtained prior to commencement of the event.
- (6)(4) ~~A plan and drawing showing the layout of any parking area for automobiles, and other vehicles and the means of ingress and egress to such parking area. Such parking area shall provide one parking space for every four persons in attendance and shall be in accordance with the Fire Marshal's setback guidelines.~~

(7)(5) Provisions to dispose of any garbage, trash, rubbish or other refuse, subject to approval by the Town of Riverhead and Suffolk County Department of Health Services.

(8) ~~The name, address and telephone number of the person(s) who will be engaged in the sale of beer or alcohol; New York State Liquor Authority approval to be delivered to the Town Clerk's office prior to the commencement of service.~~

(9)(6) ~~A plan for the use of live music, loudspeakers, horns, or other sounds which will be used, if any, and the type and location of speakers and other audio equipment.~~

(10)(6) A plan for the use of lighting, if any, and the type and location of such equipment.

(11)(7) The name and address of the security company, if any, which will work on the premises, and a description of the duties to be performed, subject to the approval of the Chief of Police.

(12) ~~A description for fire protection and a map specifying the location of fire lanes and water supply for fire control, subject to approval of the Fire Chief and Fire Marshal.~~

(13) ~~A copy of the completed application filed with the Suffolk County Department of Health Services, Emergency Medical Services. The Town Board may require the applicant to contract for its own medical and/or ambulance services.~~

(14) ~~A description of the communications plan to be utilized by the event organizer to facilitate command and control of all routine and emergency activities related to the event, subject to approval by the Chief of Police and Fire Marshal.~~

(15) ~~A description of tents or other temporary structures, camping or housing facilities to be available, if any, and a plan showing the intended number and location of them, compliance with the applicable requirements of the NFPA Life Safety Code (NFPA101), the NFPA Temporary Membrane Structures/ Tents (NFPA 102) and the Fire Code of New York State.~~

(16)(8) A plan demonstrating that the event shall be handicapped accessible to the extent practical. The applicant shall provide handicapped accessibility for restroom facilities and adequate handicapped parking as close to the event as practical.

(17)(9) If any type of banner is to be displayed adjacent to a Town, county or state road, the applicant shall include the size of the banner, location of the banner and the dates that it will be displayed and submit approvals from

the appropriate town, county and state agencies prior to the display of the banner.

(18)(10) A plan describing the rehabilitation of the event site to its original condition, including but not limited to rubbish and trash removal, removal of all temporary structures and restoration of all landscaping and other public property to a condition comparable to that prior to the event.

(19)(11) Rejection by the Town Clerk. The Town Clerk shall have the authority to reject any application that the Town Clerk finds incomplete. If a certificate of insurance is not received 30 15 days prior to the commencement of the event, then the application shall be deemed incomplete and will result in the denial of the application.

§ 255-10 255-11. Conditions for granting permit.

- A. Prior to the issuance of a permit, the permittee applicant and/or lessee furnish the Town with written authorization to permit the Town or its lawful agents to enter the subject property for the purpose of conducting an initial site inspection and a pre-event inspection for the protection of health, safety and welfare of citizens of the Town of Riverhead.
- B. The applicant shall file with the Town Board before obtaining such license a certificate of public liability insurance covering the applicant and the Town of Riverhead for personal injuries, comprehensive general liability in an amount satisfactory to the Town Attorney, which policy shall name the Town as an additional insured and shall be non-cancellable without 30 15 days prior written notice to the Town. Said insurance policy shall be approved as to form, sufficiency and limits of coverage by the Town Attorney. [Amended 3-20-2018 by L.L. No. 4-2018; 12-18-2018 by L.L. No. 25-2018]
 - (1) ~~A nonrefundable administrative fee of \$50 shall be charged for any applications that are not accompanied by an acceptable certificate of public liability insurance, in a form approved by the Town Attorney, upon submission of the application to the Town Clerk. In any case, the certificate of public liability insurance must be filed with the Town Clerk no less than 30 15 days prior to the date of the event. Such fee shall be collected by the Town Clerk at the time of the submission of the certificate of public liability insurance. Failure to submit a certificate of liability insurance within the time prescribed shall result in the cancellation of the event.~~
- C. Cost reimbursement. Where the expected number of persons or the duration of the special event may impact the health, safety and welfare, as a condition of the granting of the special event or parade permit, the Town Board may require the permittee to reimburse the Town for costs of increased police protection and ambulance and/or other Town services as may be deemed necessary by the Town Board to adequately and safely control and protect the persons attending the

event, the event area and traffic in and around the area of the event. In no event, however, will the Town be obligated to provide police protection and ambulance or other Town services. Costs for such police protection and ambulance and/or other services provided by Town employees in processing the permit application shall include those over and above routine staffing, including costs for overtime and for the hiring of special police officers and/or emergency medical services personnel. The estimated costs for services shall be provided to the applicant and the Town Board by written report from the Chief of Police, Ambulance Chief, Fire Marshal or other Town department head prior to the issuance of the permit. Based on the number of people, date of the event, the time of the event and the location of the event, the applicant may be required to reimburse the Town for the cost of police to ensure public health and safety through the smooth flow of traffic in and around the area of the event. The applicant may be required to pay these fees prior to the event, but all fees shall be due and payable within 10 days of the rendering of an invoice for said expenses by the Town of Riverhead. This section shall not apply to any special event that is held on public property and is open to the public and is free of charge. [Amended 8-5-2008 by L.L. No. 27-2008; 12-18-2018 by L.L. No. 25-2018]

- D. The Town Board may require the applicant to provide a letter of credit, bond or other suitable security instrument to secure compliance with conditions in the permit for an event to be conducted on Town property and to insure adequate cleanup of the property after the event. The Town Board shall set the amount by resolution, and no permit shall be issued until the security has been provided to the Town Clerk. If the applicant fails to honor the permit conditions or does not clear the property of debris within seven days of mailing of written notice by return-receipt-requested mail, the Town may use such portion of the security as is required to remedy the situation. [Amended 12-18-2018 by L.L. No. 25-2018]
- E. Permit available on premises. The special event permit issued hereunder shall be displayed on the premises during the special event and shall be available for inspection by a police officer or other enforcement officer of the Town of Riverhead upon request of such officer.
- F. Notification of adjoining property owners in residential zoning districts. Upon filing an application for a special event, if the property which is the subject of the application is within a residential zoning district, the Chief Fire Marshal may require the applicant to mail, by certified mail, return receipt requested, written notice that a special event application has been filed with the Town, to every property owner, as shown on the current Town of Riverhead assessment rolls, of parcels abutting and directly opposite (by extension of lot lines through a street or right-of-way) the property which is the subject of the application. Said notice shall may include the date, time and location of the proposed special event, and proof of mailing shall may be submitted to the Chief Fire Marshal in the form of an affidavit, with postal

receipts annexed, in order to constitute a complete application. [Amended 12-18-2018 by L.L. No. 25-2018

§ 255-11 255-12. Review of application; approval or denial of permit.

- A. All applications for a permit shall be reviewed by the Town Board, Town Attorney, Chief of Police and Fire Marshal. The Town Attorney, Chief of Police and Fire Marshal shall submit a written report to the Town Board explaining any issues and/or concerns that must be addressed concerning the application. The Fire Marshal shall obtain such further reports from local public safety organizations, including ambulance and fire districts, as appropriate. The Chief of Police shall also provide a written estimate of additional police services that shall be necessary to adequately protect the public during the event. The Town Board may also request an advisory report from the Planning Board and from any other advisory board whose expertise and evaluation maybe appropriate. [Amended 10-2-2019 by L.L. No. 25-2019]
- B. In determining whether to ~~approve or~~ deny an application, the Town Board ~~shall~~ may consider the information provided in the application and such other information as may be available, including but not limited to: [Amended 12-18-2018 by L.L. No. 25-2018; 10-2-2019 by L.L. No. 25-2019]
 - (1) ~~The environmental impact study.~~
 - (2)(1) Impact of the event on the safe and orderly movement of traffic within and contiguous to the event.
 - (3)(2) Need for the Town to police such event, and whether the numbers of police officers assigned to properly police such event will prevent the Town from providing adequate police protection to the remainder of the Town.
 - (4)(3) Impact of the event on fire and police protection and ambulance service to the areas contiguous to the event and to the Town in general.
 - (5)(4) Impact of the event on the movement of firefighting equipment or ambulance service to areas contiguous to the event.
 - (6)(5) Impact of the event on the general health, safety and welfare of the Town as identified through the state environmental quality review pursuant to the New York State Code of Rules and Regulations Part 617.
 - (7)(6) Outstanding court violations on the property at which the event will be held or any outstanding or unsatisfied conditions of a Town agency approval, including but not limited to those of the Planning Board or the Zoning Board of Appeals.
 - (8)(7) Verification that the information contained in the application is ~~not~~ found to be false or nonexistent in any material detail.

(9)(8) Verification that the grant of the permit would not violate any existing covenants on the property.

(10)(9) If one or more events are scheduled for the same date and time of each other, the Town Board will determine if there are adequate resources for all these events. If there are not sufficient resources to ensure public health and safety, the Town Board shall deny one or more permits if the impacts of the events cannot be mitigated. When deciding which event to deny, the Town Board shall consider the following:

- (a) Whether the event is recurring.
- (b) Whether this recurring event has been subject to a violation within the last three years.
- (c) The date the permit application was submitted to the Town Clerk.
- (d) If events occurred the prior calendar year, the Town Board shall consider what their impact was on that area of the Town.

(11) ~~A donation to one or more local charities.~~

(12) ~~If an applicant is requesting a special event permit that was held the previous year, verification must be submitted from those charities listed on the previous application.~~

(13)(10) Possible conflicts with other events and seasonal demands which may overtax or cause undue burden on Town services for parades and special events.

C. If permission to hold a special event is granted, the permit may set forth the maximum number of persons permitted to attend the event. The Town Board, in determining the maximum limit, shall take into consideration the capacity of the site, the facilities to be available and the availability of public highway and other means of transportation to and from the site.

D. A special event permit is not transferable and shall expire at the close of the event for which it is issued.

E. Privilege. The granting of a special event or parade permit is a privilege and not a right and may be denied in the event the applicant fails to comply with any application provision of the chapter or for any other reason not prohibited by law.
[Added 12-18-2018 by L.L. No. 25-2018]

§ 255-12 255-13. Application fees.

A. The application for a permit shall be accompanied by a non-refundable application fee and/or late application fee in the amount established by resolution of the Town Board of the Town of Riverhead as required by § 255-9A. [Amended 12-18-2018 by L.L. No. 25-2018]

- B. The application for a permit shall be accompanied by the appropriate application fee unless waived at the discretion of the Town Board at the time of filing the application. Application fees shall be collected by the Town Clerk.
- C. Late applications shall incur a fee. Applications beyond the submission deadline will be accepted as set forth in § 255-9B. Any special event ~~small gathering applications submitted within 45 days of the proposed commencement of the event will be denied. after the required filing date will incur a fee as per the special event fee schedule established by resolution of the Town Board. Any special small gathering is permitted to be submitted a maximum of 5 calendar days past the submission deadline. Any special event large gathering or mass gathering are permitted to be submitted a maximum of 15 calendar days past the submission deadline. All untimely applications submitted shall be subject to a late fee. special event large gathering applications submitted within 60 days of the proposed commencement of the event will be denied. Any special event massive gathering applications submitted within 120 days of the proposed commencement of the event will be denied.~~ [Added 12-18-2018 by L.L. No. 25-2018; 10-2-2019 by L.L. No. 25-2019]
- D. Any amendment to the application for a ~~parade or~~ special event will be subject to an amendment fee of \$150. Amendments requiring a resolution may include changes to the location, route, parking plan, number of people expected, etc. Amendments to fire safety plans or parking plans at the request of the Town are not considered amendments to the application. [Added 12-18-2018 by L.L. No. 25-2018; 10-2-2019 by L.L. No. 25-2019]

§ 255-13-255-14. Modification or rescission of permit.

If, after a permit is issued, the Town Board determines that any of the representations and/or statements contained in the application are materially inaccurate or any of the conditions of the permit have not been complied with, the Town Board may serve the permittee's agent a notice of rescission of special permit specifying the manner in which the permitted has not complied with the terms of its permit and/or identifying the incorrect information supplied in the application. The Town Board may for good cause modify or rescind such permit, absolutely or upon conditions.

§ 255-14 255-15. Other approvals.

The provisions of this article are not exclusive, and an applicant remains subject to all other applicable government permits and approvals as may be required, including but not limited to approvals/permits from the Suffolk County Department of Health Services, the New York State Department of Health and approvals/permits for tents, fireworks and any further permit(s) as may be required for animal shows, carnivals, circuses and similar events.

§ 255-15 255-16. Alcoholic beverages. [Amended 12-18-2018 by L.L. No. 25-2018]

If providing alcohol at an event, a Liquor Liability Insurance Policy naming the Town as an additional insured, non-contributory in the amount of \$2.000.000.00 General Aggregate and \$2.000.000.00 Each Occurrence will be required. The applicant remains subject to the provisions of Chapter 205 of the Code of the Town of Riverhead, except upon waiver granted by the Town Board. Applicants planning to provide alcohol must receive necessary permits from the New York State Liquor Authority.

§ 255-16 255-17. Persons prohibited from attending.

It shall be unlawful for the owner, proprietor, manager or person in charge of any place licensed under the provisions of this article, or for any employee of said place, to harbor, admit, receive or permit to be or remain in and about any such place any lewd or dissolute person, any drunken or unruly person, or any person whose conduct tends in any way to corrupt the public morals or create a public safety hazard.

§ 255-17 255-18. Prohibited conduct.

- A. It shall be unlawful for any person to conduct himself in an unruly manner or to use any profane, obscene or indecent language in or about any place licensed under the provisions of this article.
- B. Attendance at a special event in excess of the attendance allowed pursuant to the permit shall be prohibited. Applicants allowing excess attendance which requires unanticipated police, Fire Marshal, fire protection, ambulance and/or EMS services shall be responsible to reimburse the public safety agency for services and fees incurred.

§ 255-18 255-19. Prohibited exhibitions and sales.

- A. It shall be unlawful to give or permit the giving of any entertainment or exhibition of a lewd, suggestive, vulgar or immoral type or to use therein any indecent or obscene language or to behave in any manner tending to corrupt the public morals.
- B. It shall be unlawful to sell or permit the selling of any merchandise of a lewd, suggestive, vulgar or immoral type that in any manner tends to corrupt the public morals.

§ 255-19 255-20. Hours.

- A. No exhibition, performance for hire, carnival, carrousel, bazaar, open- air show or place of amusement shall be open to any child under the age of 17 years between the hours of 10:00 p.m. and 9:00 a.m. of the succeeding day unless accompanied by his parents or a person over 21 years of age.
- B. No exhibition, performance for hire, carnival, circus, carrousel, bazaar, open-air show or place of amusement shall be open any day between the hours of 12:01 a.m. and 9:00 a.m., unless this provision is expressly waived by the Town Board in the special event permit.

~~§ 255-20 255-21. Penalties for offenses. [Amended 12-18-2018 by L.L. No. 25-2018; 10-2-2019 by L.L. No. 25-2019]~~

A violation of any of the provisions of this article, or violation of any of the terms and conditions of a permit issued under this article, shall, upon conviction thereof, be punishable by a fine of not less than \$250 nor more than \$1,000 for each offense ~~or by imprisonment for a period not exceeding 30 days, or by both such fine and imprisonment, in addition to any fines imposed hereunder.~~ Failure to obtain a special event permit, as defined herein, shall be an offense, and the fine shall be the applicable special event application fee, plus an amount not less than \$250 nor more than \$1,000. Each day that such event occurs, is conducted, or otherwise takes place without a special event permit having been issued shall be considered a separate offense.

~~§ 255-21 255-20. Amnesty; effective date. [Added 4-2-2019 by L.L. No. 9-2019; amended 8-6-2019 by L.L. No. 18-2019]~~

~~The Riverhead Town Board has determined that a twelve month amnesty period from the date of adoption of the local law (L.L. No. 25-2018), adopted on December 18, 2018 shall be placed in effect and as such, L.L. No. 25-2018 shall take effect on December 18, 2019. This amendment when adopted shall be effective immediately.~~

Dated: Riverhead, New York
March 16, 2022

* Underline represents addition(s)
* Overstrike represents deletion(s)

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-247****AUTHORIZES THE REMOVAL OF FIXED ASSETS**

Councilman Hubbard offered the following resolution,
which was seconded by Councilman Beyrodt Jr.

WHEREAS, the following items listed below by department have been deemed broken or unusable and need to be removed from the Town of Riverhead's system. The Accounting Department hereby requests that the Town Board authorize the removal of these records from the Fixed Asset system. Now, therefore be it

RESOLVED, that the Accounting Department is hereby authorized to discard or sell for scrap value the following items:

<u>Tag #</u>	<u>Description</u>	<u>Department</u>
27228	HP DesignJet 4000 Plotter/Printer	Engineering
653186	Highway #79 1989 Int'l Chip Box Truck	Highway
292175	Highway #86 2003 Chevy 2500 Pick up Truck	Highway
A04290	Highway #91 1994 Ford Vac-Con Truck	Highway
95561	Highway #99 2001 Freightliner Clam Shell Truck	Highway
26558	Time Q Plus Electric Time Clock	Police
9018	Time Clock Time Card Holder	Police
31105	Light Porter Cable Detective Division	Police
31106	Sawzall Porter Cable Detective Division	Police
31107	Drill Porter Cable Detective Division	Police
31108	Circular Saw Porter Cable Detective Division	Police
221	Desk Right Single Pedestal	Police
4643	Desk	Police
20166	Grey Formica Desk	Police
24137	Desk Right Single Pedestal	Police
30919	Ray Marine C80 gps/radar	Police/Bay Cons
30839	Dehumidifier for Scavenger Waste	Sewer
27224	Composite Sampler w/Parts	Sewer
10182	GE White Refrigerator	Sewer
23550	Chair	Water
6523	Hach Spectrophotometer	Water
23625	Hach Spectrophotometer	Water
29207	Husqvarna K760 chop saw	Water
30354	Husqvarna K760 chop saw	Water

22646	C12 test equipment	Water	10.1
8205	Lateral File Cabinet	Personnel	

BE IT FURTHER RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution _____ Local Law		
B. Title of Proposed Legislation: Authorizes the Removal of Fixed Assets		
C. Purpose of Proposed Legislation:		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes _____ No <u>x</u>		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or</p> <p>(b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Kathleen Schroehler	I. Signature of Preparer Kathleen Schroehler Kathleen Schroehler	J. Date 3/22/22
K. Accounting Staff Name & Title William Rothaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothaar</i> William Rothaar	M. Date 3/29/22

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-248****SETS FEES FOR THE SPRING/SUMMER BROCHURE**

Councilman Beyrodt Jr. offered the following resolution,
which was seconded by Councilman Rothwell

WHEREAS, the Town of Riverhead Recreation Department needs to set the fees for the 2022 Spring/Summer Programming

NOW THEREFORE BE IT RESOLVED, that effective April 4, 2022 this Town Board sets the fees for the 2022 Spring/Summer Programs for the Recreation Department

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>X</u> Local Law		
B. Title of Proposed Legislation: Sets Fees for the Spring/Summer Brochure		
C. Purpose of Proposed Legislation: Setting Program Fees		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>X</u> No		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or</p> <p>(b) The description/explanation of fiscal impact is set forth as follows: Revenue for Recreation Programming</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years N/A		
G. Proposed Source of Funding Appropriation Account to be Charged: N/A Grant or other Revenue Source: N/A Appropriation Transfer (list account(s) and amount): N/A		
H. Typed Name & Title of Preparer: Ray Coyne	I. Signature of Preparer Ray Coyne Ray Coyne, Recreation Department 4/5/2022	J. Date 3/28/22
K. Accounting Staff Name & Title	L. Signature of Accounting Staff	M. Date

2022 Spring Summer Programming		Resident Price
1	A Capella Club	\$30.00
2	Adult Clay Workshop- Slab Wall Vases / Letter Holder	\$45.00
3	April Break Camp	\$240.00
4	Art with Miss Amber	\$52.00
5	Babette Yoga	\$50.00
6	Babysitter Training (in-person)	\$60.00
7	Babysitter Training (online)	\$44.00
8	Basketball Camp	\$75.00
9	Beach Yoga	\$58.00
10	Birth Info Classes	\$95.00
11	Bricks 4 Kidz 3-4	\$15.00
12	Bricks 4 Kidz 5-7	\$15.00
13	Bricks 4 Kidz 8-12	\$15.00
14	Bricks 4 Kidz Series 3-4	\$60.00
15	Bricks 4 Kidz Series 5-7	\$60.00
16	Bricks 4 Kidz Series 8-12	\$60.00
17	Bronx Zoo	\$85.00
18	CCE Bringing Back Childhood	\$32.00
19	CCE Caring for Yourself/Stressful	\$20.00
20	CCE Ess. Steps to Healthy Aging	\$32.00
21	CCE Kids and Cash	\$32.00
22	CCE Parenting Adolescents	\$95.00
23	Children's Clay Workshop - Hanging Planters	\$45.00
24	Children's Clay Workshop - Pinch Bud Vases	\$45.00
25	Children's Clay Workshop - Self-Portrait Mugs	\$45.00
26	Circus Workshop	\$10.00
27	CPR & AED	\$85.00
28	CPR /AED/First Aid Certified Course	\$138.00
29	Do As You Please NYC	\$60.00
30	Dog Obedience	\$65.00
31	Drumming for Pre-Teens	\$85.00
32	Family Field Day (Per family)	\$15.00
33	Family Kickball Tournament (Per family)	\$15.00
34	Field Hockey Camp	\$70.00
35	First Aid for Kids (in-person)	\$32.00
36	First Aid for Kids (online)	\$28.00
37	Friday Night Program	\$70.00
38	Game On LI	\$10.00
39	Give it a Try Rowing	\$155.00
40	Guitar and Ukulele	\$192.00
41	Guitar for Beginners	\$175.00
42	GYCC Week 2 **Weekly Rate***	\$190.00
43	Home Alone Safety (online)	\$40.00

44	Home Alone Safety (online)	\$35.00
45	Incrediflix 1/2 day	\$245.00
46	Incrediflix Full Day	\$450.00
47	Infant/Child CPR & Choking	\$70.00
48	Intermediate Inventors	\$52.00
49	Intermediate Jazz	\$58.00
50	Intro to Jazz	\$58.00
51	Intro to Lyrical	\$58.00
52	Intro to Theater	\$150.00
53	Iron Woman	\$38.00
54	Iron Woman April Mini	\$25.00
55	Jump Start Rowing Camp	\$360.00
56	Kayak Tours	\$55.00
57	Kid's Night Out	\$70.00
58	Lacrosse Camp	\$70.00
59	Lawn Game Day	\$15.00
60	Learn & Play Bunco	\$12.00
61	Magic Lessons	\$95.00
62	Mini-Scientists	\$52.00
63	Morning Yoga/Chair Yoga	\$82.00
64	Mrs. Doubtfire on Broadway	\$140.00
65	Music and Movement	\$30.00
66	Open Ended Art	\$50.00
67	Open Mic Night	\$20.00
68	Pee Wee & Regular Swim	\$40.00
69	Pee Wee Basketball	\$40.00
70	Pee Wee Lacrosse	\$70.00
71	Pee Wee Soccer	\$70.00
72	Pickleball Crash Course	\$10.00
73	Pickleball Ladder Leagues	\$25.00
74	Pickleball Lessons	\$65.00
75	Pickleball Tournaments	\$25.00
76	Pickleball Youth	\$30.00
77	Private Swim	\$195.00
78	Pulaski Week 2 ***Weekly Rate***	\$190.00
79	Roller Disco Nights	\$20.00
80	Roller Skating Basics	\$65.00
81	Rowing Lessons	\$360.00
82	Running Club (5-8)	\$30.00
83	Running Club (9-12)	\$30.00
84	Sailing Lessons x2	\$262.00
85	Soccer Camp	\$185.00
86	Special Needs Dance	\$10.00
87	Special Needs Easter Brunch	\$10.00
88	TaeKwonDo	\$75.00
89	Tai Chi x 2	\$62.00
90	Teen Camp ***Weekly Rate***	\$235.00

91	Tennis	\$45.00
92	Tiny Dancers	\$58.00
93	Volleyball Camp	\$42.00
94	Yankees vs. Detroit Tigers	\$115.00
95	Youth Improv Group	\$30.00
96	Zumba	\$58.00

Non-Resident Price
\$40.00
\$55.00
\$275.00
\$62.00
\$60.00
\$70.00
\$54.00
\$85.00
\$68.00
\$105.00
\$20.00
\$20.00
\$20.00
\$70.00
\$70.00
\$70.00
\$95.00
\$42.00
\$25.00
\$42.00
\$42.00
\$105.00
\$55.00
\$55.00
\$55.00
\$15.00
\$95.00
\$148.00
\$70.00
\$75.00
\$95.00
\$20.00
\$20.00
\$80.00
\$42.00
\$38.00
\$80.00
\$15.00
\$165.00
\$202.00
\$185.00
\$205.00
\$50.00

\$45.00
\$245.00
\$450.00
\$80.00
\$62.00
\$68.00
\$68.00
\$68.00
\$160.00
\$48.00
\$35.00
\$370.00
\$65.00
\$80.00
\$80.00
\$20.00
\$12.00
\$105.00
\$62.00
\$92.00
\$150.00
\$40.00
\$60.00
\$252.00
\$50.00
\$50.00
\$80.00
\$80.00
\$15.00
\$35.00
\$75.00
\$30.00
\$40.00
\$205.00
\$205.00
\$25.00
\$75.00
\$370.00
\$40.00
\$40.00
\$272.00
\$195.00
\$10.00
\$10.00
\$85.00
\$72.00
\$240.00

\$55.00
\$68.00
\$52.00
\$125.00
\$40.00
\$68.00

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-249****RATIFIES ACCEPTANCE OF DONATION**

Councilman Rothwell offered the following resolution,
which was seconded by Councilman Kern

WHEREAS, the Town of Riverhead Senior Citizen Department received an anonymous donation earmarked for the Senior Center Activities and Meals; and

WHEREAS, pursuant to Town Law, § 64(8), the Town Board is expressly authorized to accept a gift “. . . for any public use, upon such terms or conditions as may be prescribed by the grantor or donor and accepted by said town, and provide for the proper administration of the same”; and

WHEREAS, the Town Board finds that acceptance of the sum of \$500.00 to the Town for activities and meals for seniors is in the best interest of the residents of the Town of Riverhead.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Riverhead hereby accepts the generous donation of \$500.00 (Five Hundred Dollars and 00/100) from an anonymous donor, to the Town of Riverhead Senior Citizen Department to support their programs.

BE IT FURTHER RESOLVED, that the Town Financial Administrator is hereby authorized to create a Trust and Agency account for the receipt of the above donation to be used to support activities and meals for seniors; and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

FISCAL IMPACT STATEMENT OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION

A. Type of Legislation Resolution <u>XXX</u> Local Law		
B. Title of Proposed Legislation: Ratifies Acceptance of Donation RATIFIES ACCEPTANCE OF DONATION		
C. Purpose of Proposed Legislation:		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u>XXX</u>		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable:		
<p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J;</p> <p style="text-align: center;">or</p> <p>(b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
<p>G. Proposed Source of Funding</p> <p>Appropriation Account to be Charged:</p> <p>Grant or other Revenue Source:</p> <p>Appropriation Transfer (list account(s) and amount):</p>		
H. Typed Name & Title of Preparer: Karen Occhiogrosso	I. Signature of Preparer Karen Occhiogrosso Karen Occhiogrosso	J. Date 3/15/22
K. Accounting Staff Name & Title William Rothaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothaar</i> William Rothaar	M. Date 3/29/22

TOWN OF RIVERHEAD

TB Resolution 2022-250

AUTHORIZE PURCHASE OF A 2022 OR NEWER VACTOR TRUCK BY THE TOWN OF RIVERHEAD HIGHWAY DEPARTMENT

Councilman Kern offered the following resolution, which was seconded by Councilman Hubbard

WHEREAS, New York State Highway Law§142(1)(a) provides that the Town Highway Superintendent may, with approval of the Town Board, purchase equipment, Tools, and other implements to be used for highway maintenance, construction, reconstruction and/or snow removal; and

WHEREAS, the Town of Riverhead Highway Department Superintendent is seeking to purchase a 2022 or newer VACTOR truck (Combination Single Engine Sewer Cleaner with Positive Displacement Vacuum System Mounted on a Heavy Duty Truck Chassis), that meets the needs of the Highway Department from Jack Doheny Companies, Inc., an approved vendor, piggybacking under the existing Sourcewell cooperative contract #060920-KTC; and

WHEREAS, pursuant to the Town's Procurement Policy Guideline 6 "A request for proposal and/or quotation shall not be required for the purchase of supplies through qualifying contracts let by other New York State political subdivisions provided that (I) the contract must have been let by the United States or any agency thereof, any state or any other political subdivision or district therein; (ii) the contract must have been made available for use by other governmental entities, i.e. inclusion in the contract let by the other entity of a clause extending the terms and conditions of the contract to other governmental entities; and (iii) the contract must have been let to the lowest responsible bidder or on the basis of best value in a manner consistent with General Municipal Law §103 and related case law"; and

WHEREAS, the Purchasing Agent has confirmed that the proposed purchase meets all of the criteria set forth in the Town's Procurement Policy Guideline 6 and the Financial Administrator has confirmed there is sufficient fund balance from which to transfer for this proposed purchase of a 2022 or newer VACTOR truck (Combination Single Engine Sewer Cleaner with Positive Displacement Vacuum System Mounted on a Heavy Duty Truck Chassis) in the Highway Department 2022 budget.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the purchase of a 2022 or newer VACTOR truck (Combination Single Engine Sewer Cleaner with Positive Displacement Vacuum System Mounted on a Heavy Duty Truck Chassis) from Jack Doheny Companies, Inc., the approved vendor, in the amount of \$496,497.42, under the Sourcewell cooperative contract #060920-KTC, to be used for highway maintenance, snow and leaf removal; and be it further

RESOLVED that the Supervisor be, and is hereby authorized to establish the following budget adjustments:

	<u>From</u>	<u>To</u>
DA1-9999-000-00000-0 - Appropriated Fund Balance		\$496,497.42
DA1-5-5130-240-000-00000 – Mach Equipment		\$496,497.42

and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Highway Department, Purchasing Department and the Office of Accounting; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>XXX</u> Local Law		
A. Title of Proposed Legislation: Authorize Purchase of a 2022 or Newer Vactor Truck by The Town of Riverhead Highway Department AUTHORIZE PURCHASE OF A 2022 OR NEWER VACTOR TRUCK BY THE TOWN OF RIVERHEAD HIGHWAY DEPARTMENT		
C.		
D. Purpose of Proposed Legislation:		
E. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>XXX</u> No		
F. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget <u>KO</u> (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
G. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
H. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Karen Occhiogrosso	I. Signature of Preparer Karen Occhiogrosso Karen Occhiogrosso 4/5/2022	J. Date 3/28/22
K. Accounting Staff Name & Title William Rothhaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothhaar</i> William Rothhaar	M. Date 4/04/22

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-251****AWARDS BID FOR PRINTING OF RECREATION BROCHURE**

Councilman Hubbard offered the following resolution,
which was seconded by Councilman Beyrodt Jr.

WHEREAS, Town Board Resolution #2022-98 authorized the Town Clerk to publish and post a notice to bidders for sealed bids for **PRINTING OF RECREATION BROCHURE** and;

WHEREAS, 4 bids were received, opened and read aloud in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, NY 11901 on **February 17, 2022** at **11:00 AM**; and

WHEREAS, the bids were reviewed and a bid tabulation was prepared by the Purchasing Agent and presented to the Town Board for review;

NOW THEREFORE BE IT RESOLVED that the bid for **PRINTING OF RECREATION BROCHURE** be awarded to the vendor indicated below for prices on the attached pages;

**ALL ISLAND MEDIA
145 MARCUS BLVD, STE 2
HAUPPAUGE, NY 11788
JENN.GOODMAN@ALLISLANDMEDIA.COM**

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the vendor listed above, and the Recreation and Purchasing Departments; and

BE IT FURTHER RESOLVED that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <input checked="" type="checkbox"/> Local Law		
B. Title of Proposed Legislation: Awards Bid for Printing of Recreation Brochure		
C. Purpose of Proposed Legislation:		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget TB _____ (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or</p> <p>(b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: A01-7-7020-424-000-00000 Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Teresa Baldinucci	I. Signature of Preparer Teresa Baldinucci Teresa Baldinucci	J. Date 3/17/22
K. Accounting Staff Name & Title	L. Signature of Accounting Staff	M. Date



TOWN OF RIVERHEAD

Yvette Aguiar, Supervisor

200 Howell Avenue
Riverhead, NY 11901-2596

BID FOR:

PRINTING OF RECREATION BROCHURE

BID #2022-10

All Island Media Inc.

BIDDERS NAME

145 Marcus Blvd Ste 2

BIDDERS ADDRESS

Hempstead, NY 11788

CITY, STATE, ZIP

2/14/22 (631) 750-1229

(631) 580-7748

DATE

PHONE NUMBER

FAX NUMBER

Jenn. Goodman@allislandmedia.com

EMAIL ADDRESS

In compliance with your advertisement for bids to be opened at **11:00 a.m. on February 17, 2022** and subject to all conditions thereof, the undersigned hereby proposes to furnish the item(s) and/or service(s) itemized in this proposal in accordance with the Specifications contained herein on the Bid Proposal Form attached.

Bidder certifies that the prices quoted herein do not include Federal Excise Tax or any Federal, New York State or City Sales Tax and are not higher than prices charged to any governmental or commercial consumer for like merchandise and/or service; and all prices include shipping and freight charges to any Municipal building or site within the Town of Riverhead.

Respectfully submitted,

SIGNATURE

PRINTED NAME

TITLE

TOWN OF RIVERHEAD BID SPECIFICATION

PRINTING OF RECREATION BROCHURE

I: GENERAL SPECIFICATIONS

1. General Instructions

Bidders shall be responsible to carefully examine the bid specifications. These specifications require the doing of all things necessary or proper for, or incidental to the furnishing and delivery of printing services for the Town of Riverhead Recreation Brochure.

All things not expressly mentioned in these specifications, but involved in carrying out their intent are required by these bid specifications; and the vendor shall perform the same as though they were specifically mentioned, described and delineated. Read all documents contained in the bid specifications.

Bidders are responsible for submitting their bids to the appropriate location at or prior to the time indicated in the specifications. **No bids will be accepted after the designated time or date indicated in the bid specifications.** It is suggested that registered mail be used to submit bids. Delay in mail delivery is not an exception to the receipt of a bid.

A copy of the official bid documents may be obtained at the Town's website: www.townofriverheadny.gov. In addition to obtaining the official bid documents, any and all addendum pertaining to a particular bid or RFP are posted on the Town website referenced above-log and scroll to bid for **PRINTING OF RECREATION BROCHURE**. It is incumbent upon all potential bidders to view all posted addenda prior to the bid close date.

Any questions or clarification to the bid specifications or technical specifications must be submitted in writing to the Purchasing Agent at 200 Howell Ave., Riverhead, NY 11901 or by email to: baldinucci@townofriverheadny.gov prior to the bid opening, **unless otherwise stated***. Such questions must be in the possession of the Purchasing Agent at least 72 hours prior to the bid opening, **unless otherwise stated***. **Verbal questions will not be entertained.**

Bidders must submit one original copy of their bids. The original must be sealed and clearly marked **PRINTING OF RECREATION BROCHURE**. All bids shall be made out on the proposal forms attached hereto and all the attached certificates must be completed and signed in compliance with the provisions of Section 103-d of the New York State General Municipal Law. All bids must be filled out in ink or be typewritten. Bids submitted in pencil will be rejected as unresponsive. Bids which have been

Bidder Name: All Island Media Inc.

whether a bid requirement is substantive or a mere formality shall reside solely within the Town of Riverhead.

5. Sub-Contracting

The Bidder/Vendor selected shall be solely responsible for contractual performance and Bidder/Vendor assumes all responsibility for the quality of work (i.e. supply and delivery of printing products, forms, cards, posters) performed under this contract.

6. Discrepancies and Omissions

Bidder/Vendor is fully responsible for the completeness and accuracy of their bid, and for examining this bid and all addenda. Failure to do so will be at the sole risk of Bidder/Vendor. Should Bidder/Vendor find discrepancies, omissions, unclear or ambiguous intent or meaning, or should any questions arise concerning this request for bid, Bidder/Vendor shall notify the Town Clerk of the Town of Riverhead in writing, of such findings at least five (5) days before the bid opening. This will allow issuance of any necessary addenda. It will also help prevent the opening of a defective bid and exposure of Bidder/Vendor's bid upon which award could not be made. All unresolved issues should be addressed in the bid. Protests based on any omission or error, or on the content of the solicitation, will be disallowed if these faults have not been brought to the attention of the Designated Contact, in writing, no later than five (5) calendar days prior to the time set for opening of the bids.

7. Town's Right to Reject Bids

The Town reserves the right to accept or reject any or all bids or any part of any bid, to waive defects, technicalities or any specifications (whether they be in the Town's specifications or Bidder/Vendor's response), to sit and act as sole judge of the merit and qualifications of each product offered, or to solicit new bids on the same project or on a modified project which may include portions of the originally proposed project as the Town may deem necessary in the best interest of the Town.

8. Town's Right to Cancel Solicitation

The Town reserves the right to cancel this solicitation at any time during the procurement process, for any reason or for no reason. The Town makes no commitments expressed or implied, that this process will result in a business transaction with any Bidder/Vendor.

9. Notification of Withdrawal of Bid

Bidder/Vendor may modify or withdraw its bid by written request, provided that both bid and request is received by the Town prior to the bid due date. Bids may be re-submitted in accordance with the Bid Notice due date in order to be considered further. Bids become the property of the Town at the bid submission deadline. All bids received are

Bidder Name: All Island Media Inc.

corrected by white out or cross out, and have not been initialed and/or dated will be rejected as unresponsive. Bid Responses may be rejected if they show any omission, irregularity, alteration of form, addition, condition, unresponsiveness, or unbalance.

Samples may be requested by the Town for the purpose of product evaluation. It is understood that samples will be provided at **no** charge to the Town and will be returned, when requested, within 30 days after the evaluation is completed, at the expense of the vendor. All samples left longer than 30 days after the evaluation period will be discarded.

The Purchasing Agent, and/or his/her designee, shall be the only one authorized to make changes or alterations to anything contained in these specifications. As stated above, any changes shall be posted as an addendum on the following website: www.townofriverheadny.gov. The Purchasing Agent reserves the right to reject all bids, parts of all bids, or all bids for any one or more items or contractual services included in the proposed contract, when such rejection is in the best interest of the Town. The contract will be awarded to the vendor(s)/responsible bidder(s) offering the best price and availability to supply products within the requested time frames. A responsible bidder is a producer, dealer, vendor who has demonstrated judgment and integrity, is of good reputation, experienced in his/her work, whose record of past performance is established as satisfactory, and whose financial status is such to provide no risk to the Town of Riverhead in its contractual relations.

No bidder may withdraw a bid within forty-five (45) days after the actual date of the bid opening. Any bidder who does not honor their bid within the forty-five (45) days may be barred from bidding in any jurisdiction in New York State.

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law.

2. Bid Costs and Expenses

The Town of Riverhead will not pay any costs incurred by any Bidder/Vendor associated with any aspect of responding to the request for bids, including bid preparation, printing or delivery, or negotiation process.

3. Bid Expiration Date

Prices quoted in the bid shall remain fixed and binding on the Bidder for at least two years from the date of the date of award or such other date set forth in these specifications and, upon mutual consent, an option to extend for an additional year.

4. Non-Conforming Bids

Non-conforming Bids will not be considered. Non-conforming bids are defined as those that do not meet the requirements of the bid specification. The determination of

Bidder Name: All Island Media Inc.

considered firm offers at that time.

10. Exceptions to the Bid Specifications

Any exceptions to the Bid Specifications or the Town's terms and conditions, must be highlighted and included in writing with the bid submission. Acceptance of exceptions is within the sole discretion of the evaluation of the Town.

11. Award of Contract

The final award of a contract is subject to approval by the Town. The Town has the sole right to select the successful Bidder/Vendor(s) for award, to reject any bid as unsatisfactory or non- responsive, to award a contract to other than the lowest priced bid, to award multiple contracts, or not to award a contract. Notice in writing to a Bidder/Vendor of the acceptance of its bid by the Town will constitute a contract, and no Bidder/Vendor will acquire any legal or equitable rights or privileges until the occurrence of such event.

12. Contract Terms and Conditions

The term of the contract between the successful bidder and the Town shall be for two (2) years, commencing on the date of award. At the end of the contract period, the contract may be extended for one (1) additional twelve-month period upon the same terms and conditions at the sole discretion of the Town of Riverhead and with the consent of the vendor. The Town also reserves the right to cancel this contract at any time without notice.

13. Independent Contractor

The parties to the contract shall be independent contractors to one another, and nothing herein shall be deemed to cause this agreement to create an agency, partnership, joint venture or employment relationship between parties. Each party shall be responsible for compliance with all applicable workers compensation, unemployment, disability insurance, social security withholding and all other similar matters. Neither party shall be liable for any debts, accounts, obligations or other liability whatsoever of the other party or any other obligation of the other party to pay on the behalf of its employees or to withhold from any compensation paid to such employees any social benefits, workers compensation insurance premiums or any income or other similar taxes.

Bidder Name: All Island Media Inc.

14. Licenses and Permits

In performance of the contract, the Bidder/Vendor will be required to comply with all applicable federal, state and local laws, ordinances, codes, and regulations. The cost of permits and other relevant costs required in the performance of the contract shall be borne by the successful Bidder/Vendor. The Bidder/Vendor shall be properly licensed and authorized to transact business in the State of New York.

15. Notice

Any notice to the Town of Riverhead required under the contract shall be sent to:

Teresa Baldinucci, Purchasing Agent
Town of Riverhead
200 Howell Avenue
Riverhead, NY 11901

16. Indemnification

a. General Indemnification:

By submitting a bid, the proposing Bidder/Vendor agrees that in the event it is awarded a contract, it will indemnify and otherwise hold harmless the Town of Riverhead, its agents and employees from any and all liability, suits, actions, or claims, together with all costs, expenses for attorney's fees, arising out of the Bidder/Vendor's its agents and employees' performance work or services in connection with the contract, regardless of whether such suits, actions, claims or liabilities are based upon acts or failures to act attributable, whole or part, to the Town, its employees or agents.

b. Insurance

- i. Bidder/Vendor recognizes that it is operating as an independent Bidder/Vendor and that it is liable for any and all losses, penalties, damages, expenses, attorney's fees, judgments, and/or settlements incurred by reason of injury to or death of any and all persons, or injury to any and all property, of any nature, arising out of the Bidder/Vendor's negligent performance under this contract, and particularly without limiting the foregoing, caused by, resulting from, or arising out of any act of omission on the part of the Bidder/Vendor in their negligent performance under this contract.
- ii. The Bidder/Vendor shall maintain such insurance as will protect against claims under Worker's Compensation Act and from any other claims for damages for personal injury, including death, which may arise from operations under this contract. The Bidder/Vendor is an independent Bidder/Vendor and is not an employee of the Town of Riverhead.
- iii. During the term of this contract, the Bidder/Vendor shall, at its own expense, carry insurance minimum limits as set forth above.

Bidder Name: All Island Media Inc

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for **PRINTING OF RECREATION BROCHURE** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:00 a.m. on February 17, 2022**, at which time all bids received shall be opened and read aloud.

Bid Specifications and/or Plans may be obtained by visiting the Town of Riverhead website at www.townofriverheadny.gov on or after February 10, 2022. Click on "Bid Requests" and follow the instructions to register.

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD**

DIANE M. WILHELM, TOWN CLERK

Bidder Name: All Island Media Inc.

II. BID SPECIFICATIONS

1. Scope of Work

Twice a year, the Town of Riverhead produces a brochure highlighting its Recreation and Senior programs. The page counts vary due to program changes from season to season.

Quantity: 20,000
Include pricing for additional 1000's to 25,000

Finished size: 5.5" x 8.5"

Pages: A) Spring/Summer edition
64pp text plus 4pp cover
Include pricing for additional pages up to 80pp

B) Fall/Winter edition
36pp text plus 4pp cover
Include pricing for additional pages up to 48pp

Text: Prints: 4C process throughout
Stock: 20/50 Offset (sheetfed) or Newsprint 35-P80 (web)

Cover: Prints: 4C process, 2 sides, full bleed
Stock: 100# coated text

Art: Provided .pdf files in spreads.

Proofs: Blueline

Finishing: Saddle-stitched

Mailing: Indicia, Presort Standard; route counts provided; sort and deliver to Riverhead Post Office; approx. 15,000 pieces

Balance delivered in bulk to location in Riverhead, NY 11901.

SAMPLES OF A SIMILAR PROJECT AND QUOTED STOCK SAMPLES (8.5" X 11") MUST BE SUBMITTED WITH THIS BID IN ORDER TO CONSIDER AWARD. VENDORS WHO DO NOT SUBMIT SAMPLES WILL BE DISQUALIFIED.

Bidder Name: All Island Media Inc.

17. Piggybacking Clause Method of Award

The contract, if awarded, will be to the lowest responsive/responsible bidder(s) in part or in whole who meet(s) all the terms of the specifications. The Town guarantees no minimum or maximum purchases or contracts as a result of award of this bid. The Town of Riverhead reserves the right to allow all municipal and not for profit organizations authorized under the General Municipal Laws of the State of New York, to purchase any goods and/or services awarded as a result of this bid in accordance with the latest amendments to NYS GML 100 through 104. However, it is understood that the extension of such contracts are at the discretion of the vendor and the vendor is only bound to any contract between the Town of Riverhead and the vendor. Additionally, the Town reserves the right to purchase any goods or services included as a part of this bid from any means legally available to it.

New York Law: The Notice to Bidders and Bid Specifications shall be governed according to the laws of the State of New York.

Bidder Name: All Island Media Inc.

2. Delivery Requirements

The successful bidder(s) must acknowledge receipt of order in e-mail or writing within 24 hours of receipt of order. Proofs must be delivered within 5 days to the Recreation Department. Upon approval of final proof, delivery of printed material to the Riverhead Post Office and the delivery point designated on the purchase order must be made within 3 weeks after approval of final proof.

3. Quantity

The Town of Riverhead is under no obligation to purchase quantities indicated herein nor limited to said quantities.

4. Delivery and Payment

All bids shall include freight and shall be quoted F.O.B. destination. The Town of Riverhead operates a formal Purchase Order System. Under **NO** circumstances will the vendor or contractor be paid without a purchase order. Contractor shall deliver only the items specified on the purchase order. Any Contractor who delivers items which are not ordered, or who duplicates or over ships items, does so entirely at his own expense. Such shipments will be at no cost or responsibility to the Town of Riverhead.

Unless otherwise specified by the Town, inside delivery is required. Some delivery locations are not equipped with loading docks and no additional compensation shall be paid to vendors for inside delivery at those locations.

THE TOWN OF RIVERHEAD IS NOT SUBJECT TO FEDERAL, STATE OR LOCAL TAXES.

5. Price, Invoices and Payment

Bid prices should be based on the quantity estimated for each printing. Each printing item is based on best estimated number. Best practice would be to bid each printing item on a unit price and/or price per item as the Town of Riverhead reserves the right to increase or decrease quantity or size of individual print item. Prices shall be net F.O.B. any point of delivery. Price shall include all charges, including but not limited to, any postage, delivery or (if applicable) pick up charges.

- a) The vendor shall submit an invoice for payment to the Town after delivery of materials.

Bidder Name: All Island Media Inc.

b) All invoices, voucher, packing slips and any correspondence shall include the following: date/time; description of item; identify the Town employee picking up the item(s) or accepting delivery of the item(s). All invoices shall be submitted for payment to:

**Town of Riverhead
Recreation Department
200 Howell Ave.
Riverhead, NY 11901**

Every invoice must identify the employee picking up or accepting the item.

6. Contract Period

The term of the contract between the successful bidder and the Town shall be for two (2) years commencing on the date of award. At the end of the contract period, the contract may be extended for one (1) additional twelve-month period upon the same terms and conditions at the sole discretion of the Town of Riverhead and with the consent of the vendor. The Town also reserves the right to cancel this contract at any time without notice.

7. Compliance with Rules and Regulations

The associated product furnished shall comply with all provisions which would be applicable, if the Town of Riverhead were a private corporation of Federal and State of New York Laws, Ordinances, Codes, Rules, Regulations, Orders, Permits and Licenses and with fire underwriters requirement, requirements set forth herein exceed such provisions, these Specifications shall control, only if applicable to this particular bid.

8. Deviation

All proposed minor deviations, with full details, must be listed on a separate Detail Sheet, which must be attached to and made part of this bid.

The Town of Riverhead reserves the absolute right in its sole discretion to accept that bid, if any, which under all circumstances will best serve the public interest.

9. Reservations

The Town Board of the Town of Riverhead reserves the right and responsibility to reject any or all bids if they believe such action to be in the best interest of the Town.

10. Municipal Indemnification

The successful bidder must agree to save, keep, bear harmless and fully indemnify the Town and any of its officers, agents, or representatives from all damages, costs or expenses in law or equity that may at any time arise or be set up for an infringement of the patent rights of any person or persons in consequence of the use by the Town or by

Bidder Name: All Island Media Inc.

any of its officers, agents or representatives of articles supplied under the contract arising from bids submitted and of which the successful bidder and manufacturer are not lawfully entitled to sell, provided the Town gives the successful bidder and manufacturer prompt notice in writing of any suit and all information necessary to defend same.

11. Independent Contractor

In the performance of this Agreement, the Bidder, including its employees, agents, and subcontractors shall act solely as an independent contractor, and nothing contained in or implied by this Agreement shall be construed at any time to create any other relationship between the Town and the Bidder, including employer and employee, partnership, principal and agent, or joint venture.

12. Assignment

The Contract resulting from this bid and the compensation, which may become due thereunder are not assignable except with prior written approval of the Town.

13. Interpretation

The contract resulting from this Solicitation shall be construed under the laws of the State of New York.

14. Indemnification

If a Contract is awarded, the Successful Bidder shall be required to indemnify, defend, and hold the County, its employees, and agents harmless from and against any and all claims, loss, liability, cost, and expenses, including attorney fees, howsoever arising or incurred, alleging personal injury, bodily injury, including death, or property damage arising out of or attributable to the Successful Bidder's performance of the Contract awarded.

15. Termination Process

a) Termination for Convenience: Notwithstanding anything contained herein, the Town may terminate this Agreement anytime, in whole or in part, without showing cause by providing thirty (30) days written notice to the Successful Bidder. The Town shall pay all reasonable costs incurred by the Successful Bidder up to the date of termination. The Successful Bidder shall not be reimbursed for any anticipatory profits, which have not been earned to the date of termination.

b) The Successful Bidder shall be provided 30 days' notice of any termination not for cause and shall only perform such work during the 30-day notice period that is authorized in writing by the County's Purchasing Agent.

c) This Agreement may be terminated by the Town upon at least seven (7) days' notice to the Successful Bidder in the event that: (1) the Work is permanently abandoned by the Town; (2) continued Work is deemed by the Town, in its sole discretion, not to be in

Bidder Name: All Island Media Inc.

the best interests of the Town; or (3) monies are no longer available or are not appropriated to fund the Work being performed or to be performed under this Agreement.

d) Termination for Cause: Notwithstanding anything contained herein, if the Successful Bidder fails to fulfill its obligation under this Agreement properly and on time or otherwise violates any provision of this Agreement, the Town may terminate this Agreement by written notice to the Successful Bidder. The notice shall specify the acts or omissions relied upon as cause for termination. All finished or unfinished goods or services provided by the Successful Bidder shall, at the Town's option, become the Town's property. The Town shall pay the Successful Bidder fair and equitable compensation for satisfactory performance prior to receipt of notice of termination less the amount of damages caused by the Successful Bidder's breach. If the damages are more than the compensation payable to the Successful Bidder, the Successful Bidder shall remain liable after termination, and the Town may take all steps necessary to collect damages.

Bidder Name: All Island Media Inc.

TOWN OF RIVERHEAD BID FOR PRINTING RECREATION BROCHURES

BID OPENING DATE/TIME: FEBRUARY 17, 2022 11:00AM

COMPANY NAME: All Island Media Inc.
 PAPER STOCK QUOTED: TEXT Newsprint 35-P80 (Web)
 COVER 100# Coated text

ITEM #	DESCRIPTION	QTY	NET PRICE
SPRING/SUMMER BROCHURE PRINTING, FINISHING AND MAILING			
A1	64pp PLUS 4pp COVER	20,000	\$ 9204-
	ADDITIONAL 1000'S UP TO 25,000	PER 1000	\$ 206-
A2			
A2	68pp PLUS 4pp COVER	20,000	\$ 9463-
	ADDITIONAL 1000'S UP TO 25,000	PER 1000	\$ 225-
A3			
A3	72pp PLUS 4pp COVER	20,000	\$ 9685-
	ADDITIONAL 1000'S UP TO 25,000	PER 1000	\$ 231-
A4			
A4	76pp PLUS 4pp COVER	20,000	\$ 9827-
	ADDITIONAL 1000'S UP TO 25,000	PER 1000	\$ 235-
A5			
A5	80pp PLUS 4pp COVER	20,000	\$ 10054-
	ADDITIONAL 1000'S UP TO 25,000	PER 1000	\$ 240-

Bidder Name: All Island Media Inc.

ITEM #	DESCRIPTION	QTY	NET PRICE
FALL/WINTER BROCHURE PRINTING, FINISHING AND MAILING			
B1	36pp PLUS 4pp COVER	20,000	\$ 7945 -
	ADDITIONAL 1000'S UP TO 25,000	PER 1000	\$ 156 -
B2	40pp PLUS 4pp COVER	20,000	\$ 8207 -
	ADDITIONAL 1000'S UP TO 25,000	PER 1000	\$ 192 -
B3	44pp PLUS 4pp COVER	20,000	\$ 8419 -
	ADDITIONAL 1000'S UP TO 25,000	PER 1000	198 -
B4	48pp PLUS 4pp COVER	20,000	\$ 8511 -
	ADDITIONAL 1000'S UP TO 25,000	PER 1000	200 -

Bidder Name: All Island Media Inc.

TOWN OF RIVERHEAD

PRINTING OF RECREATION BROCHUREVENDOR NAME: All Island Media Inc.ADDRESS: 145 Marcus BlvdHempstead, NY 11788CONTACT: Jennifer GoodmanTELEPHONE: 631 - 750 - 1229FAX: 631 - 580 - 7748EMAIL: Jenn. Goodman @ allislandmedia.com

I/WE FULLY UNDERSTAND THAT THE ACCEPTANCE OF THIS BID IS SUBJECT TO
 THE PROVISIONS OF SECTION 103A AND 103B OF THE GENERAL MUNICIPAL
 LAW.

Jennifer Goodman
 NAME OF COMPANY REPRESENTATIVE

TITLE

SIGNATURE

2.14.22
 DATE

Bidder Name: All Island Media Inc.

NON-COLLUSIVE CERTIFICATE

(MUST BE COMPLETED, SIGNED, NOTARIZED AND RETURNED WITH BID)

UNDER PENALTIES OF PERJURY:

All Island Media Inc. (BIDDER), BEING DULY SWORN,
DEPOSES AND SAYS:

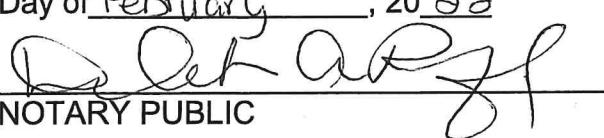
- A) This bid or proposal has been independently arrived at without collusion with any other bidder or with any competitor or potential competitor;
- B) This bid or proposal has not knowingly been disclosed, prior to the opening of bids or proposals for this project, to any other bidder, competitor, or potential competitor;
- C) No attempt has been made or will be made to induce any other person, partnership, or corporation to submit or not to submit a bid or proposal;
- D) The person signing this bid or proposal certifies that he has been fully informed regarding the accuracy of the statements contained in this certification, and under penalties of perjury, affirms the truth thereof, such penalties being applicable to the bidder as the person signing on its behalf; and
- E) That the attached hereto (if a corporate bidder) is a certified copy of a resolution authorizing the execution of this certificate by the signatory of this bid or proposal on behalf of the corporate bidder.

Corporation: All Island Media Inc.
(PRINT COMPANY NAME)

By: 
(SIGNATURE)

Dir. Production & Distribution
(TITLE)

Address: 145 Marcus Blvd Ste 2
Hempstead NY 11788

Sworn to before me this 15th
Day of February, 2022

NOTARY PUBLIC

DEBORAH A RUMFORD
Notary Public, State of New York
No. 01RU6254769
Qualified in Suffolk County
Commission Expires January 23, 2024

Bidder Name: All Island Media Inc.

IRAN DIVESTMENT ACT CERTIFICATION

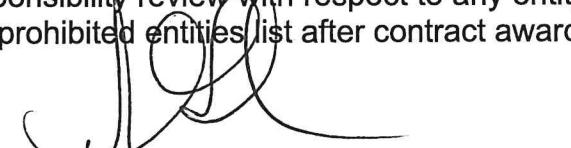
As a result of the Iran Divestment Act of 2012 (Act), Chapter 1 of the 2012 Laws of New York, a new provision has been added to the State Finance Law (SFL), § 165-a, effective April 12, 2012. Under the Act, the Commissioner of the Office of General Services (OGS) will be developing a list (prohibited entities list) of "persons" who are engaged in "investment activities in Iran" (both are defined terms in the law). Pursuant to SFL § 165-a(3)(b), the initial list is expected to be issued no later than 120 days after the Act's effective date, at which time it will be posted on the OGS website.

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) certifies that once the prohibited entities list is posted on the OGS website, it will not utilize on such Contract any subcontractor that is identified on the prohibited entities list.

Additionally, Bidder/Contractor is advised that once the list is posted on the OGS website, any Contractor seeking to renew or extend a Contract or assume the responsibility of a Contract awarded in response to the solicitation, must certify at the time the Contract is renewed, extended or assigned that it is not included on the prohibited entities list.

During the term of the Contract, should the TOWN OF RIVERHEAD receive information that a person is in violation of the above-referenced certification, the TOWN OF RIVERHEAD will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the TOWN OF RIVERHEAD shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

The TOWN OF RIVERHEAD reserves the right to reject any bid or request for assignment for an entity that appears on the prohibited entities list prior to the award of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the prohibited entities list after contract award.

Signature: 

Print Name: Jennifer Goodwin

Title: Dir. Production & Distribution

Company Name: All Island Media Inc.

Date: 2/14/22

Bidder Name: All Island Media Inc.

SEXUAL HARASSMENT

"By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of Section 201-G of the Labor Law."



AUTHORIZED SIGNATURE**PRINT NAME/TITLE/DATE**Jennifer Goodman Dir. Production & Distribution2/14/22Bidder Name: All Island Media Inc -

TOWN OF RIVERHEAD

TB Resolution 2022-252

APPROVES SPECIAL EVENT CHAPTER 255 APPLICATION FOR RIVERHEAD COUNTRY FAIR

Councilman Beyrodt Jr. offered the following resolution,
which was seconded by Councilman Rothwell

WHEREAS, on March 16, 2022, Susan Young, on behalf of Riverhead Townscape Inc., submitted a Chapter 255 Application for the purpose of conducting The Riverhead Country Fair, to be held on Main Street and Peconic River Front, Riverhead, New York, on October 9, 2022 between the hours of 10:00 am and 5:00 pm;

WHEREAS, the Town Board has waived the application fee associated with this application (\$350.00); and

WHEREAS, Riverhead Townscape Inc. has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

WHEREAS, a certificate of insurance naming the Town of Riverhead as an additional insured has been received; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby has classified the action as a Type II under SEQRA NYCRR 617.5 C (21) and requiring no further environmental review; and be it further

RESOLVED, that the necessary tent permits must be obtained and any tent installations and all electric shall comply with the applicable provisions of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102) and the Fire Code of New York State; and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code Chapter 301-251 G (7) entitled "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be it further

RESOLVED, that the Outdoor Safety Plan submitted with the applicant's Chapter 255 Application is subject to the review and approval of the Riverhead Fire Marshal; and be it further

RESOLVED, that the Chapter 255 Application for the Riverhead Townscape Inc. for the purpose of holding the Riverhead Country Fair, on October 9, 2022 is hereby approved; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Susan Young styoung@optonline.net, and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <input checked="" type="checkbox"/> Local Law		
B. Title of Proposed Legislation: Approves Special Event Chapter 255 Application for Riverhead Country Fair Riverhead Country Fair		
C. Purpose of Proposed Legislation: Special Event		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p style="margin-left: 20px;">(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Carol DelVecchio	I. Signature of Preparer Carol DelVecchio Carol DelVecchio, Senior Acct. Clerk 4/5/2022	J. Date 3/16/22
K. Accounting Staff Name & Title William Rothaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothaar</i> William Rothaar	M. Date 3/29/22

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-253**

AMENDS RESOLUTION 2022-79 APPROVING SPECIAL EVENT CHAPTER 255
APPLICATION FOR RACE TRACK NOT STREET AT EPCAL 2022 SPRING
CLASSIC

Councilman Rothwell offered the following resolution,
 which was seconded by Councilman Kern

WHEREAS, by Resolution 2022-79, adopted January 19, 2022, the Riverhead Town Board approved the Chapter 255 application of Peter Scalzo, submitted on September 30, 2021, for the purpose of conducting a drag racing series entitled, "Spring Classic 2022 Race Track, Not Street at EPCAL" at Calverton Enterprise Park, Calverton, New York on the following dates and at the following times:

Saturday	April 2 nd	from 10:00 am to 4:00 pm
Sunday	April 3 rd	from 10:00 am to 4:00 pm
Saturday	April 9 th	from 10:00 am to 4:00 pm
Sunday	April 10 th	from 10:00 am to 4:00 pm
Saturday	April 16 th	from 10:00 am to 4:00 pm

WHEREAS, Peter Scalzo intended to hold the drag racing event on the 10,000 foot eastern runway and has advised the Town of his desire to move the drag racing event to the 7,000 foot western runway; and

WHEREAS, due to the practical impact of moving the location of the event from the 10,000 foot, eastern runway to the 7,000 foot western runway, Peter Scalzo has advised that he cancelled the previously approved Saturday, April 2, 2022 and Sunday, April 3, 2022 event dates; and

WHEREAS, the Town Board of the Town of Riverhead previously classified the action as a Type II under SEQRA NYCRR 617.5 C (21) requiring no further environmental review; and

WHEREAS, the proposed relocation of the drag racing special events from the 10,000 foot eastern runway to the 7,000 foot, western runway will result in no significant adverse environmental impacts and is a Type II action pursuant to SEQRA.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby classifies the proposed relocation as a Type II action under SEQRA NYCRR 617.5 C (21) and as such, no further environmental review is required; and be it further,

RESOLVED, that Peter Scalzo's request to move the drag racing event to the 7,000 foot western runway for the following dates and at the following times is hereby approved:

Saturday	April 9 th	from 10:00 am to 4:00 pm
Sunday	April 10 th	from 10:00 am to 4:00 pm
Saturday	April 16 th	from 10:00 am to 4:00 pm

and be it further,

RESOLVED, that the previously provided Comprehensive Liability Insurance Policy naming the Town of Riverhead, as an additional insured in the amount of \$1,000,000 per occurrence and \$2,000,000 general aggregate shall be amended as needed to reflect relocation of the event from the 10,000 foot, eastern runway to the 7,000 foot, western runway and any other prior insurance requirements shall continue and/or be required as previously set forth in Resolution 2022-79; and be it further,

RESOLVED that this approval is subject to a short term agreement for purposes of the utilization of the 7,000 foot, western runway which shall be fully executed by the parties no later than April 8, 2022; and be it further,

RESOLVED, that all other terms, conditions and requirements set forth in Resolution 2022-79 shall continue in full force and effect and shall be unaffected by the instant Resolution except as set forth specifically herein; and be it further,

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Mr. Peter Scalzo peterscalzo44@gmail.com, and be it further,

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>XX</u> Local Law		
B. Title of Proposed Legislation: Amends Resolution 2022-79 Approving Special Event Chapter 255 Application for Race Track Not Street at EPCAL 2022 Spring Classic		
C. Purpose of Proposed Legislation: Amend prior Resolution approving Chapter 255 Special Event Application		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>XX</u> No		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or</p> <p>(b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Erik Howard	I. Signature of Preparer Erik Howard Erik Howard	J. Date 4/04/22
K. Accounting Staff Name & Title	L. Signature of Accounting Staff	M. Date

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-254**

AUTHORIZES THE SUPERVISOR TO EXECUTE A STIPULATION WITH THE CSEA LOCAL 1000, AFSCME, AFL-CIO, THE RIVERHEAD TOWN POLICE BENEVOLENT ASSOCIATION AND THE RIVERHEAD TOWN POLICE SUPERIOR OFFICERS BENEVOLENT ASSOCIATION

Councilman Kern offered the following resolution,
which was seconded by Councilman Hubbard

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves a Stipulation with unit member Tanya Newman Employee #GFZ000204 and CSEA, PBA and SOA and authorizes the Supervisor to execute same; and,

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the CSEA Unit President, PBA President, SOA President, Office of the Chief of Police, the Office of the Town Attorney and the Accounting Office; and,

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>XXX</u> Local Law		
B. Title of Proposed Legislation: Authorizes the Supervisor to Execute a Stipulation with the CSEA Local 1000, AFSCME, AFL-CIO, the Riverhead Town Police Benevolent Association and the Riverhead Town Police Superior Officers Benevolent Association Authorizes the Supervisor to Execute a Stipulation with the CSEA Local 1000, AFSCME, AFL-CIO, the Riverhead Town Police Benevolent Association and the Riverhead Town Police Superior Officers Benevolent Association		
C. Purpose of Proposed Legislation:		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u>XXX</u>		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or</p> <p>(b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Karen Occhiogrosso	I. Signature of Preparer Karen Occhiogrosso Karen Occhiogrosso	J. Date 3/28/22
K. Accounting Staff Name & Title	L. Signature of Accounting Staff	M. Date

SECOND AMENDED AGREEMENT, made and entered into this ___ day of April, 2022, by and among the Town of Riverhead and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 ("the CSEA"), the Riverhead Town Police Benevolent Association, Inc. ("the PBA") and the Riverhead Town Police Superior Officers Benevolent Association, Inc. ("the SOA").

WHEREAS, CSEA unit member Tanya Newman, Employee #GFZ000204, is ineligible to receive benefits from the Town/CSEA CBA's sick leave bank because the reason for her leave is to care for her child, who has a serious health condition as defined by the FMLA; and

WHEREAS, despite this, the CSEA, PBA and SOA requested that the Town permit CSEA, PBA and SOA unit members to donate their own accrued, unused sick and vacation leave days to Ms. Newman; and

WHEREAS, the Town, by adoption of Resolution #44 adopted on January 15, 2019, expressed willingness, on a non-precedent setting basis, to permit unit members to donate their own unused accrued sick and vacation days to Ms. Newman outside of the sick leave bank and entered into an Agreement with Town/CSEA, Town/PBA and Town/SOA CBAs, permitting full-time CSEA, PBA and SOA unit members to donate their own accrued unused sick leave and vacation days to Ms. Newman's personal sick leave bank limited to 120 days and subject to terms and conditions fully set forth in said Agreements; and

WHEREAS, thereafter and as CSEA unit member Tanya Newman had received the maximum amount of days, 120 set forth in the Agreement recited above, and continued to care for her child, who has a serious health condition as defined by the FMLA, and full-time CSEA, PBA and SOA unit members expressed a continued willingness and desire to donate their own accrued, unused sick and vacation leave days to Ms. Newman, by Resolution #58 adopted on January 5th, 2021, the Town, CSEA, PBA and SOA amended the Agreement above to permit unit members to donate sick and vacation time to Ms. Newman limited to an additional 120 days subject to terms and conditions recited in the Amended Agreement; and

WHEREAS, CSEA unit member Tanya Newman has received the maximum amount of days, 120 set forth in the original Agreement and an 120 set forth in the Amended Agreement recited above, and continues to care for her child, and full-time CSEA, PBA and SOA unit members, together with non-union members expressed a continued willingness and desire to donate their own accrued, unused sick and vacation leave days to Ms. Newman and non-unit members have also expressed a willingness and desire to donate their accrued unused sick and vacation days to Ms. Newman pursuant to the terms and conditions set forth below.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, and the recitals set forth above, which are incorporated into this Second Amended Agreement as though fully set forth in this Second Amended Agreement, the parties hereby stipulate and agree as follows:

1. Effective upon the complete ratification of this Second Amended Agreement, and notwithstanding anything to the contrary in the Town/CSEA, Town/PBA or Town/SOA CBAs, full-time CSEA, PBA and SOA unit members and non-unit members employed by the Town of Riverhead may donate their own accrued unused sick leave and vacation days to Ms. Newman's

personal sick leave bank pursuant to the terms and conditions set forth in this Second Amended Agreement.

2. Ms. Newman must exhaust all of her accrued vacation, sick, personal, compensatory time; all except 120 hours (15 days) of her accrued sick time and 120 hours (15 days) of her accrued vacation time in order to be eligible to accept and utilize the donated sick leave and vacation days set forth in this Second Amended Agreement; and

3. If Ms. Newman meets the criteria set forth in 2, then she may utilize any or all of the donated sick leave and vacation days from her sick leave bank for an additional 120 days (120 days donated and utilized subject to Resolution #44 adopted on January 15, 2019) and (120 days donated and being utilized subject to Resolution #58 adopted on January 5, 2021) pursuant to Amended Agreement during the duration of her eligibility to receive donated sick leave and vacation days.

4. Ms. Newman's sick leave bank days will have no value to her other than as set forth in this Second Amended Agreement.

5. Ms. Newman may utilize this bank only for the purpose of caring for her child for the above-referenced serious health condition.

6. Days donated to Ms. Newman's sick leave bank will be valued at Ms. Newman's then current per diem rate, regardless of the donating employee's per diem rate.

7. Ms. Newman, when utilizing her sick leave bank days, will be governed by the same rules, procedures, policies, protocols and contract provisions as apply to the use of ordinary sick leave.

8. Nothing contained herein in any restricts the Town's right to separate Ms. Newman from employment pursuant to Civil Service Law Section 71 or 73, as appropriate.

9. Contributions to Ms. Newman's sick leave bank are non-refundable; i.e., days will not be returned to an employee if they are not used by Ms. Newman.

10. Contributions may only be made from days above the donating employee's contractual sick leave payout cap (CSEA: 225; PBA: 300; SOA: 355 and non-unit members terms and conditions of employment).

11. All sick and vacation days contributed to Ms. Newman's sick leave bank may be used in the calculation for meeting thresholds at severance (e.g., CSEA CBA Article 5 (2)); PBA CBA Article XXIII(B, C); SOA CBA Article XXI(B, C) and to the extent applicable, non-unit members terms and conditions of employment), but in no event will the donating employee be paid for any sick or vacation days contributed to Ms. Newman's sick leave bank.

12. This Second Amended Agreement constitutes the entire agreement among the Town, the CSEA, the PBA and the SOA regarding Ms. Newman's request that unit members and non-unit members be permitted to donate unused accrued sick/vacation leave days to her. No other promises have been made. This Agreement, including this paragraph, may only be modified by a written agreement executed by the parties. NOTE, all non-unit members seeking to donate vacation and sick time MUST sign an acknowledgement and agree to the terms of this agreement.

13. Nothing contained in this Agreement will be deemed as precedent setting with regard to any other matter. This Agreement may not be cited in any other matter, such as, but not limited to, any grievance, grievance hearing, arbitration, PERB conference/hearing, court matter or any other similar proceeding, except to enforce the provisions of this Agreement.

FOR THE TOWN:

Dated:

FOR THE SOA:

Dated:

FOR THE PBA:

Dated:

FOR THE CSEA:

Dated:

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-255****ATTENDANCE OF ONE POLICE DEPARTMENT EMPLOYEE TO THE TRAFFIC SAFETY CONFERENCE**

Councilman Hubbard offered the following resolution, which was seconded by Councilman Beyrodt Jr.

WHEREAS, Police Chief David J. Hegermiller has requested authorization from the Riverhead Town Board for the attendance of Police Department employee #GFZ000060 to attend the Empire State Law Traffic Safety Conference; and,

WHEREAS, this conference will be held in Syracuse, New York, from April 6, 2022 to April 7, 2022.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the attendance of Police Department employee #GFZ000060 to the aforementioned conference; and,

RESOLVED, that all related expenses shall not exceed a total cost of \$527.00 (expenses to include meals, lodging and other travel costs) and shall be reimbursed in accordance with the Town's Travel and Conference Policy; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device or, if needed, a certified copy of same from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <input checked="" type="checkbox"/> Local Law		
B. Title of Proposed Legislation: Attendance of One Police Department Employee to the Traffic Safety Conference		
C. Purpose of Proposed Legislation: Conference		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget <input checked="" type="checkbox"/> (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or</p> <p>(b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: A01-3-3120-442-000-00000 Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Cheryl Kornafel	I. Signature of Preparer Cheryl Kornafel Cheryl Kornafel	J. Date 3/22/22
K. Accounting Staff Name & Title William Rothaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothaar</i> William Rothaar	M. Date 3/29/22

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-256****RECLASSIFIES A PRINCIPAL OFFICE ASSISTANT IN THE ENGINEERING
DEPARTMENT**

Councilman Beyrodt Jr. offered the following resolution,
which was seconded by Councilman Rothwell

WHEREAS, the Suffolk County Department of Civil Service has reviewed the duties of Principal Office Assistant Shannon Clifford, and has subsequently reclassified her position to that of an Administrative Assistant; and

WHEREAS, Ms. Clifford's position on the civil service list certified to the Town of Riverhead for promotional candidates, list #22DC435, makes her appointable to the title of Administrative Assistant, and her department head and the Town Board are willing to appoint her to same.

RESOLVED, that this Town Board hereby approves the reclassification of Ms. Clifford's position, and appoints her to the title of Administrative Assistant effective April 11, 2022, placing her salary at Group 2 Step 10A of the CSEA Administrative Salary Schedule which is \$54, 673.15 per annum; and

BE IT FURTHER RESOLVED, that the Town Board hereby approves the attached Stipulation between the Town of Riverhead and Local 1000, AFSCME, AFL-CIO, Riverhead Unit of Suffolk Local #852 the terms of which shall be deemed to be effective April 11, 2022 and authorizes the Town Supervisor to execute same with her signature.

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of same can be obtained from the office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>X</u> Local Law		
B. Title of Proposed Legislation: {Res Title} Reclassifies a Principal Office Assistant in the Engineering Department		
C. Purpose of Proposed Legislation: to appoint an employee to a more appropriate civil service title		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>X</u> No		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p style="margin-left: 20px;">(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget <u>MF</u> (example: routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Meg Ferris	I. Signature of Preparer Meg Ferris Meg Ferris	J. Date 3/25/22
K. Accounting Staff Name & Title William Rothhaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothhaar</i> William Rothhaar	M. Date 3/29/22

STIPULATION

Made this day of , 2022, between the Town of Riverhead, 200 Howell Avenue, Riverhead, New York (“the Town”) and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of Suffolk Local #852 having its principal office at 3 Garet Place, Commack, New York (the “CSEA”); and

WHEREAS, the Town and the CSEA are currently parties to a collective bargaining agreement effective January 1, 2019 through December 31, 2022; and

WHEREAS, Shannon Clifford is an employee in the Riverhead Town Engineering Department and is presently employed full time as a Principal Office Assistant, with her placement in the CSEA Clerical and Supervisory Salary Schedule being Group 11, Step 9 which is \$54,394.77 per annum; and

WHEREAS, the Suffolk County Department of Civil Service has reclassified Ms. Clifford’s position, determining she is doing the level of work of an Administrative Assistant, and Ms. Clifford’s position on the promotional list for this title makes her appointable to same; and

WHEREAS, as per the CSEA contract, Article 14, Section 2, employees who are promoted are guaranteed at least a 3% increase in salary; and

WHEREAS, as Ms. Clifford had previously received a pay increase on January 1, 2022, both she and the CSEA are willing to waive this requirement in exchange for Ms. Clifford being appointed to the title of Administrative Assistant.

NOW, THEREFORE, it is mutually agreed as follows:

1. Shannon Clifford shall be appointed and promoted to the title of Administrative Assistant effective April 11, 2022.
2. Shannon Clifford’s salary as an Administrative Assistant will be placed in Group 2 Step 10A of the CSEA Administrative Salary Schedule which is \$54,673.15 per annum.
3. This stipulation constitutes the entirety of the parties’ agreement herein.
5. This stipulation shall not, in any way, constitute or be construed to constitute “past practice” for the parties now or in the future and shall remain specific to this matter.

Yvette Aguiar, Supervisor
For the Town

Theresa DeFilippis, President
for the CSEA

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-257****REASSIGNS THE SALARY OF AN ACCOUNT CLERK**

Councilman Rothwell offered the following resolution,
which was seconded by Councilman Kern

NOW, THEREFORE, BE IT RESOLVED that effective April 5, 2022 this Town Board hereby reassigns the salary of Account Clerk Juliann O'Neill from Group 9, Step 12 of the CSEA Clerical and Supervisory Salary Schedule which is \$54,932.90 per annum to Group 9, Step 14 which is \$57,327.00 per annum.

RESOLVED, Town Hall Departments may review and obtain a copy of this resolution from electronic storage device, and if needed, a certified copy of same can be obtained from the office of the Town Clerk

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <input checked="" type="checkbox"/> Local Law		
B. Title of Proposed Legislation: Reassigns the Salary of an Account Clerk		
C. Purpose of Proposed Legislation: To increase rate of pay		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p style="margin-left: 20px;">(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget DW (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Diane Wilhelm	I. Signature of Preparer  Diane Wilhelm, Town Clerk	J. Date 3/28/22
K. Accounting Staff Name & Title William Rothaar, Accounting Department	L. Signature of Accounting Staff  William Rothaar	M. Date 3/29/22

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-258****ACCEPTS THE RETIREMENT OF THE TOWN PERSONNEL OFFICER**

Councilman Kern offered the following resolution,
which was seconded by Councilman Hubbard

WHEREAS, the Town has received official written notification from Town Personnel Officer Margaret Ferris giving notice of her intent to retire effective May 31, 2022.

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby accepts Ms. Ferris' notice of retirement.

RESOLVED, Town Hall Departments may review and obtain a copy of this resolution from electronic storage device, and if needed, a certified copy of same can be obtained from the office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>X</u> Local Law		
B. Title of Proposed Legislation: {Res Title} Accepts the Retirement of the Town Personnel Officer		
C. Purpose of Proposed Legislation: to formalize acceptance of an employee's retirement		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u>X</u>		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p style="margin-left: 20px;">(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example: routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Meg Ferris	I. Signature of Preparer Meg Ferris Meg Ferris	J. Date 3/25/22
K. Accounting Staff Name & Title William Rothhaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothhaar</i> William Rothhaar	M. Date 3/29/22

TOWN OF RIVERHEAD

TB Resolution 2022-259

RATIFIES AND APPROVES THE INTERDEPARTMENTAL TRANSFER OF AN EMPLOYEE

Councilman Hubbard offered the following resolution, which was seconded by Councilman Beyrodt Jr.

WHEREAS, Carissa Collins has been serving in the capacity of Associate Administrator in the Department of Land Management since November 6, 2017; and

WHEREAS, the sheer volume of grant applications and other essential administrative duties in the Community Development Department require the oversight of a similar senior administrative employee; and

WHEREAS, the Suffolk County Department of Civil Service has approved the proposed list of duties that an Associate Administrator would perform in the Community Development Department, duties statement # 22-0644, and have thus approved the creation of an Associate Administrator position within that department; and

WHEREAS, the Community Development Project Supervisor has requested that Ms. Collins be approved for a transfer from the department of Land Management to this newly created position of Associate Administrator in the Community Development Department, and Ms. Collins has expressed her consent to be transferred to same.

NOW THEREFORE BE IT RESOLVED, that effective on March 28, 2022 this Town Board hereby approves and ratifies the transfer of Carissa Collins from her position as Associate Administrator in the Department of Land Management to the position of Associate Administrator in the Community Development Department with no other change to her salary or other terms and conditions of employment.

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of same can be obtained from the office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>X</u> Local Law		
B. Title of Proposed Legislation: {Res Title} Ratifies and Approves the Interdepartmental Transfer of an Employee		
C. Purpose of Proposed Legislation: Interdepartmental Transfer of an Employee		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u>X</u>		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p style="margin-left: 20px;">(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example: routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows: TBR 2022-214 budget transfer</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Dionne Marshak	I. Signature of Preparer Dionne Marshak Dionne Marshak	J. Date 3/25/22
K. Accounting Staff Name & Title William Rothaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothaar</i> William Rothaar	M. Date 3/29/22

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-260****ACCEPTS HIGHWAY SUPERINTENDENT'S PERSONNEL REPORT & REQUEST
FOR TOWN BOARD RESOLUTION TO EFFECTUATE PERSONNEL REQUEST**

Councilman Beyrodt Jr. offered the following resolution,
which was seconded by Councilman Rothwell

WHEREAS, pursuant to Town Law § 64(1), the Town Board has general management and control of the finances of the Town; and

WHEREAS, pursuant to Town Law § 64(3), the Town Board has general management and control of Town property; and

WHEREAS, pursuant to Town Law § 20 and except as otherwise provided by law, the Town Board has the responsibility to employ such persons as the Town Board deems necessary for the proper conduct of the affairs of the Town; and

WHEREAS, pursuant to Town Law § 27, the Town Board shall fix, from time to time, the salaries of all officers, officials and employees of said town, whether elected or appointed, and determine when the same shall be payable; and

WHEREAS, pursuant to Highway Law § 140(4), the Highway Superintendent shall employ such persons as may be necessary for the maintenance and repair of Town highways and removal of obstructions caused by snow and provide for the supervision over such employees, subject to the provisions of law recited above and, including but not limited to, available appropriations for such purpose, any applicable civil service requirements (see e.g. Civil Service Law § 75), and any applicable collective bargaining agreement provisions; and

WHEREAS, the Highway Superintendent filed a Personnel Report and Request for Town Board Resolution to Effectuate Personnel Request, to wit: appoint Bryan Hoffman to the position of Automotive Equipment Operator effective April 25, 2022 and

WHEREAS, the Highway Superintendent's report stated that said appointment is necessary for the repair and maintenance of Town highways; and

WHEREAS, this position was duly posted in accordance with the terms of the CSEA contract, Job Posting #10.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the Highway Superintendent's Personnel Report and Request Town Board Resolution to Effectuate Personnel Request, to wit: to appoint Bryan Hoffman effective April 25, 2022 to the position of Automotive Equipment Operator and sets his salary at Group 6, Step P of the CSEA Operational and Technical Salary Schedule which is \$47,272.30 per annum; and be it further

RESOLVED, that the Personnel Officer and Financial Administrator are hereby directed to take such action to effectuate this personnel matter on behalf of the Highway Superintendent; and be it further

RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to the Town Highway Superintendent, Personnel Officer, Financial Administrator and Town Attorney's Office; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <input checked="" type="checkbox"/> Local Law		
B. Title of Proposed Legislation: {Res Title} Accepts Highway Superintendent's Personnel Request for Town Board Resolution to Effectuate Personnel Request.		
C. Purpose of Proposed Legislation: To accept highway Superintendent's personnel report & request for town resolution to effectuate new employee.		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget <u>DM</u> (example: routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Dionne Marshak	I. Signature of Preparer Dionne Marshak Dionne Marshak	J. Date 3/25/22
K. Accounting Staff Name & Title William Rothaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothaar</i> William Rothaar	M. Date 3/29/22

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-261****ACCEPTS HIGHWAY SUPERINTENDENT'S PERSONNEL REPORT & REQUEST
FOR TOWN BOARD RESOLUTION TO EFFECTUATE PERSONNEL REQUEST**

Councilman Rothwell offered the following resolution,
which was seconded by Councilman Kern

WHEREAS, pursuant to Town Law § 64(1), the Town Board has general management and control of the finances of the Town; and

WHEREAS, pursuant to Town Law § 64(3), the Town Board has general management and control of Town property; and

WHEREAS, pursuant to Town Law § 20 and except as otherwise provided by law, the Town Board has the responsibility to employ such persons as the Town Board deems necessary for the proper conduct of the affairs of the Town; and

WHEREAS, pursuant to Town Law § 27, the Town Board shall fix, from time to time, the salaries of all officers, officials and employees of said town, whether elected or appointed, and determine when the same shall be payable; and

WHEREAS, pursuant to Highway Law § 140(4), the Highway Superintendent shall employ such persons as may be necessary for the maintenance and repair of Town highways and removal of obstructions caused by snow and provide for the supervision over such employees, subject to the provisions of law recited above and, including but not limited to, available appropriations for such purpose, any applicable civil service requirements (see e.g. Civil Service Law § 75), and any applicable collective bargaining agreement provisions; and

WHEREAS, the Highway Superintendent filed a Personnel Report and Request for Town Board Resolution to Effectuate Personnel Request, to wit: appoint Kyle Langan to the position of Automotive Equipment Operator effective April 25, 2022 and

WHEREAS, the Highway Superintendent's report stated that said appointment is necessary for the repair and maintenance of Town highways; and

WHEREAS, this position was duly posted in accordance with the terms of the CSEA contract, Job Posting #11.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the Highway Superintendent's Personnel Report and Request Town Board Resolution to Effectuate Personnel Request, to wit: to appoint Kyle Langan effective April 25, 2022 to the position of Automotive Equipment Operator and sets his salary at Group 6, Step P of the CSEA Operational and Technical Salary Schedule which is \$47,272.30 per annum; and be it further

RESOLVED, that the Personnel Officer and Financial Administrator are hereby directed to take such action to effectuate this personnel matter on behalf of the Highway Superintendent; and be it further

RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to the Town Highway Superintendent, Personnel Officer, Financial Administrator and Town Attorney's Office; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>X</u> Local Law		
B. Title of Proposed Legislation: {Res Title} To Accept Highway Superintendent's Personnel report and effectuate Personnel request to appoint new Personnel Request.		
C. Purpose of Proposed Legislation: To Accept Highway Superintendent's personnel report and effectuate Personnel request to appoint new employee.		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>X</u> No		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget <u>DM</u> (example: routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Dionne Marshak	I. Signature of Preparer Dionne Marshak Dionne Marshak	J. Date 3/25/22
K. Accounting Staff Name & Title William Rothaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothaar</i> William Rothaar	M. Date 3/29/22

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-262****ACCEPTS HIGHWAY SUPERINTENDENT'S PERSONNEL REPORT & REQUEST
FOR TOWN BOARD RESOLUTION TO EFFECTUATE PERSONNEL REQUEST**

Councilman Kern offered the following resolution,
which was seconded by Councilman Hubbard

WHEREAS, pursuant to Town Law § 64(1), the Town Board has general management and control of the finances of the Town; and

WHEREAS, pursuant to Town Law § 64(3), the Town Board has general management and control of Town property; and

WHEREAS, pursuant to Town Law § 20 and except as otherwise provided by law, the Town Board has the responsibility to employ such persons as the Town Board deems necessary for the proper conduct of the affairs of the Town; and

WHEREAS, pursuant to Town Law § 27, the Town Board shall fix, from time to time, the salaries of all officers, officials and employees of said town, whether elected or appointed, and determine when the same shall be payable; and

WHEREAS, pursuant to Highway Law § 140(4), the Highway Superintendent shall employ such persons as may be necessary for the maintenance and repair of Town highways and removal of obstructions caused by snow and provide for the supervision over such employees, subject to the provisions of law recited above and, including but not limited to, available appropriations for such purpose, any applicable civil service requirements (see e.g. Civil Service Law § 75), and any applicable collective bargaining agreement provisions; and

WHEREAS, the Highway Superintendent filed a Personnel Report and Request for Town Board Resolution to Effectuate Personnel Request, to wit: appoint Brandan Roche to the position of Automotive Equipment Operator effective April 25, 2022 and

WHEREAS, the Highway Superintendent's report stated that said appointment is necessary for the repair and maintenance of Town highways; and

WHEREAS, this position was duly posted in accordance with the terms of the CSEA contract, Job Posting #9.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the Highway Superintendent's Personnel Report and Request Town Board Resolution to Effectuate Personnel Request, to wit: to appoint Brandan Roche effective April 25, 2022 to the position of Automotive Equipment Operator and sets his salary at Group 6, Step P of the CSEA Operational and Technical Salary Schedule which is \$47,272.30 per annum; and be it further

RESOLVED, that the Personnel Officer and Financial Administrator are hereby directed to take such action to effectuate this personnel matter on behalf of the Highway Superintendent; and be it further

RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to the Town Highway Superintendent, Personnel Officer, Financial Administrator and Town Attorney's Office; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>X</u> Local Law		
B. Title of Proposed Legislation: {Res Title} ACCEPTS HIGHWAY SUPERINTENDENT'S PERSONNEL REPORT & REQUEST FOR TOWN BOARD RESOLUTION TO EFFECTUATE PERSONNEL REQUEST		
C. Purpose of Proposed Legislation: To accept Highway Superintendent's personnel report and Effectuate Personnel request to appoint new employee.		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>X</u> No		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p style="margin-left: 20px;">(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget <u>DM</u> (example: routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Dionne Marshak	I. Signature of Preparer Dionne Marshak Dionne Marshak	J. Date 3/25/22
K. Accounting Staff Name & Title William Rothaar, Accounting Department	L. Signature of Accounting Staff  William Rothaar	M. Date 3/29/22

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-263****ROUND 17 DOWNTOWN REVITALIZATION GRANT PROJECT #62204 FOR THE
INSTALLATION OF LED LIGHTING**

Councilman Hubbard offered the following resolution,
which was seconded by Councilman Beyrodt Jr.

WHEREAS, pursuant to Town Board resolution 19-415 of May 22, 2019, the Town has been awarded \$25,000.00 from the Suffolk County Downtown Revitalization Program to be used for the installation of LED street lighting in the area of the Riverfront Boardwalk along Heidi Behr Way, Riverhead, NY. Now, therefore be it

RESOLVED, that the Supervisor be, and is hereby authorized to establish the following budget:

	<u>FROM</u>	<u>TO</u>
H01-2706-533-62204-6	Suffolk County Grant	25,000.00
H01-2705-000-62204-6	Georgica Green Grant	7,500.00
H01-2705-100-62204-6	BIDMA Grant	3,608.16
H01-5031-CD4-06920-K	Transfer from CDBG	15,000.00
H01-6-6497-230-000-62204 Street Light Installation		50,568.16

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Accounting, Street Lighting and Community Development departments; and be it further

RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>X</u> Local Law		
B. Title of Proposed Legislation: Round 17 Downtown Revitalization Grant Project #62204 for the Installation of LED Lighting DOWNTOWN REVITALIZATION ROUND 17 GRANT FOR LED LIGHT INSTALLATION		
C. Purpose of Proposed Legislation: TO BUDGET FOR THE INSTALLATION OF LED LIGHTING FOR RIVERFRONT BOARDWALK		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>X</u> No		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p style="margin-left: 20px;">(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: H01-6-6497-230-000-62204 Street Light Installation \$50,568.16 <p>Grant or other Revenue Source: H01-2706-533-62204-6 Suffolk County Grant 25,000.00 H01-2705-000-62204-6 Georgica Green Grant 7,500.00 H01-2705-100-62204-6 BIDMA Grant 3,608.16 H01-5031-CD4-06920-K Transfer from CDBG 15,000.00 </p> <p>Appropriation Transfer (list account(s) and amount):</p>		
H. Typed Name & Title of Preparer: Ray Scelzi	I. Signature of Preparer	J. Date 3/10/22
 Ray Scelzi <p style="text-align: right;">4/5/2022</p>		
K. Accounting Staff Name & Title	L. Signature of Accounting Staff	M. Date

Ray Scelzi

From: Dawn Thomas
Sent: Thursday, March 10, 2022 11:33 AM
To: Ray Scelzi; Frank Messina; Finance
Cc: Steven Shauger
Subject: Re: Suffolk County Downtown Revitalization Round 17 Executed Contract

Should be!

Dawn C. Thomas, Esq.
Community Development Director
Town of Riverhead
200 Howell Avenue
Riverhead, New York 11901
(631) 727-3200 ext. 287
thomas@townofriverheadny.gov

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From: Ray Scelzi <scelzi@townofriverheadny.gov>
Sent: Thursday, March 10, 2022 11:30 AM
To: Frank Messina <messina@townofriverheadny.gov>; Finance <Finance@townofriverheadny.gov>
Cc: Dawn Thomas <thomas@townofriverheadny.gov>
Subject: RE: Suffolk County Downtown Revitalization Round 17 Executed Contract

I just read through the TBR now. Besides the \$15K coming from CDBG, there's also \$7500 coming from Georgica Green and \$3068.16 from BIDMA? Is that still happening?

Then the total project will be \$50,568.15?

From: Frank Messina <messina@townofriverheadny.gov>
Sent: Thursday, March 10, 2022 11:05 AM
To: Ray Scelzi <scelzi@townofriverheadny.gov>; Finance <Finance@townofriverheadny.gov>
Cc: Dawn Thomas <thomas@townofriverheadny.gov>
Subject: RE: Suffolk County Downtown Revitalization Round 17 Executed Contract

We anticipated using the 2020 CDBG funds since we had applied for Round 17 in 2019.

From: Ray Scelzi
Sent: Thursday, March 10, 2022 11:02 AM
To: Frank Messina <messina@townofriverheadny.gov>; Finance <Finance@townofriverheadny.gov>

Cc: Dawn Thomas <thomas@townofriverheadny.gov>
Subject: RE: Suffolk County Downtown Revitalization Round 17 Executed Contract

Thanks, Frank. Which CDBG Gant year will the matching funds be coming out of?

From: Frank Messina <messina@townofriverheadny.gov>
Sent: Thursday, March 10, 2022 10:57 AM
To: Ray Scelzi <scelzi@townofriverheadny.gov>; Finance <Finance@townofriverheadny.gov>
Cc: Dawn Thomas <thomas@townofriverheadny.gov>
Subject: RE: Suffolk County Downtown Revitalization Round 17 Executed Contract

Good Morning Ray,

Attached please find the resolution supporting DTR Round 17. The Town will be providing \$15,000 in match funds from the CDBG Program.

Thanks,
Frank

From: Ray Scelzi
Sent: Wednesday, March 02, 2022 3:01 PM
To: Frank Messina <messina@townofriverheadny.gov>; Finance <Finance@townofriverheadny.gov>
Cc: Dawn Thomas <thomas@townofriverheadny.gov>
Subject: RE: Suffolk County Downtown Revitalization Round 17 Executed Contract

Any matching funds on the part of the Town required?

From: Frank Messina <messina@townofriverheadny.gov>
Sent: Wednesday, March 2, 2022 2:35 PM
To: Finance <Finance@townofriverheadny.gov>
Cc: Dawn Thomas <thomas@townofriverheadny.gov>
Subject: Suffolk County Downtown Revitalization Round 17 Executed Contract

Good Afternoon,

Attached please find the executed copy of the Suffolk County Downtown Revitalization Round 17 Contract. At your earliest convenience can we have the budget lines setup so we can begin the project and order the LED Lights. This is just an equipment order so we will be able to reimburse for quickly. Please let me know if you have any questions.

Thank you,
Frank

*Frank Messina
Community Development
Town of Riverhead
200 Howell Avenue
Riverhead, NY 11901
Phone (631)727-3200 Ext. 238
Fax (631)727-5772
messina@townofriverheadny.gov*

TOWN/VILLAGE. Rev. 5.13.19; Law No. 22-ED-080
 DT Revitalization: Town of Riverhead BID

Agreement No.525-CAP-CAP-C3XX- 6412.85
 IFMS No. 1116

Capital Project Contract

This Contract ("the Contract") is between the County of Suffolk ("the County"), a municipal corporation of the State of New York, acting through its duly constituted Department of Economic Development and Planning ("the Department"), located at 100 Veterans Memorial Highway, 11th Floor, Hauppauge, New York 11788; and the Town of Riverhead ("Contractor"), a municipal corporation, having an address at 200 Howell Avenue Riverhead, NY 11901.

The Contractor has been designated as a recipient of Round XVII Downtown Revitalization Funds per Suffolk County Resolution No. 1056-2019 and has heretofore expressed its desire to undertake or assist in undertaking the Downtown Revitalization project as set forth Article I, entitled "Description of Services," and Exhibit 4 herein.

Term of the Contract: June 1, 2021 through May 31, 2023; with one (1) one-year option, to be exercised at the County's discretion, on the same terms and conditions herein.

Total Cost of the Contract: Shall not exceed \$25,000.00, to be paid as set forth in Article V and Exhibit 4, attached.

Terms and Conditions: Shall be as set forth in Articles I through V, and Exhibits 1 through 5, attached hereto and made a part hereof.

In Witness Whereof, the parties hereto have executed the Contract as of the latest date written below.

Town of Riverhead

By: Yvette M. Aguiar

Name: Hon. Yvette Aguiar

Title: Town Supervisor

Fed. Tax ID #: 11-6001935

Date 5/24/2021

Yvette M. Aguiar hereby certifies under penalties of perjury that I am an officer of Town of Riverhead, that I have read and I am familiar with §A5-8 of Article V of the Suffolk County Code, and that Town of Riverhead meets all requirements to qualify for exemption thereunder.

Name: Yvette M. Aguiar

Date 5/24/2021

Approved as to Form:

Dennis M. Cohen

County Attorney

By: Frank J. Jarr

Brittany L. Toledano

Assistant County Attorney

Date 1/19/22

0068967

COUNTY OF SUFFOLK

By: Lisa Black

Lisa Black

Chief Deputy County Executive

Date: 1/24/22

Approved:

Department of Economic Development and Planning

By: Natalie Wright

Name: Natalie Wright

Title: Commissioner

Date 1/19/21

List of Articles

Article I

05.22.2019

ADOPTED

TOWN OF RIVERHEAD

Resolution 2019-415

SUPPORTS, ENDORSES AND AUTHORIZES PURSUIT OF SUFFOLK COUNTY DOWNTOWN REVITALIZATION ROUND 17 FUNDING

Councilwoman Kent offered the following resolution,
which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead is always desirous to improve the economy and quality of life within the Town of Riverhead; and

WHEREAS, through the Suffolk County Downtown Revitalization Program, the County of Suffolk participates with local governments in the development, support and funding of projects located in Suffolk County that will have an important and sustainable impact on downtowns and business districts; and

WHEREAS, Suffolk County announced Round 17 of the Downtown Revitalization Grant Program to encourage long-term improvements in downtown business districts; and

WHEREAS, eligible applicants include chambers of commerce and business improvement districts with municipalities acting as local sponsors; and

WHEREAS, the Town of Riverhead Community Development Department has been awarded funding for twelve previous projects on behalf of the Riverhead Chamber of Commerce and the Riverhead Business Improvement District under Rounds 1 – 16 of the Suffolk County Downtown Revitalization Program; and

WHEREAS, the Town of Riverhead wishes to submit a grant funding application to provide funds for new LED lighting for the Riverfront boardwalk area which will provide better and more efficient lighting as well as improve the overall appearance of the Riverfront Boardwalk area; and

WHEREAS, the project meets the requirements and goals and objectives of the program, is consistent with the goals of the Town of Riverhead; and

WHEREAS, the project is supported by the Riverhead Business Improvement District and the Riverhead Town Board; and

WHEREAS, as part of the application process, the County of Suffolk requires a resolution of the Town Board showing local support for the proposed project; and

WHEREAS, upon the County's approval of the project, the Town will be required to enter into an intermunicipal agreement with the County under Article 5-G of the General Municipal Law pursuant to which the Town of Riverhead would be required to

undertake and complete the project and the County would be responsible for providing financing for all or part of the cost of the project; and

WHEREAS, in order to provide County financing for all or part of the project, the County of Suffolk must obtain a leasehold, easement or other real property interest in the site of the project.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby states its support of the replacement of existing Riverfront Boardwalk lighting to new LED lighting pursuant to the Suffolk County Downtown Revitalization Program Round 17 through the Town of Riverhead; and be it further

RESOLVED, that the Town Board authorizes the Supervisor to sign any and all necessary documents, including but not limited to the required easement/lease documents and an intermunicipal agreement, subject to review and approval of the Town Attorney, to participate in the above referenced program; and be it further

RESOLVED, that the Town Board hereby supports and endorses an application to be submitted by the Town of Riverhead Community Development Department to Suffolk County, the Legislator for the First District, and the Downtown Revitalization Program Citizens Advisory Panel for a project as herein described for a grant amount of \$ 25,000.00 and reflecting matching/leveraged funds \$7,500.00 Dollars to be provided by the David Gallo/Georgica Green Ventures, LLC, \$3,068.16 from the BIDMA and \$15,000.00 from the Town of Riverhead from CDBG funds; and

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall provide notification of this resolution to the Community Development Department, The Town of Riverhead/Parking District No. 1 and to Annette Brownell, Head Clerk, Suffolk County Department of Economic Development and Planning, H. Lee Dennison Building, 2nd floor, Hauppauge, NY 11788-0099.

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution _____ Local Law		
B. Title of Proposed Legislation: Supports, Endorses and Authorizes Pursuit of Suffolk County Downtown Revitalization Round 17 Funding		
C. Purpose of Proposed Legislation:		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes _____ No		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <ul style="list-style-type: none"> (a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; <li style="text-align: center;">or (b) The description/explanation of fiscal impact is set forth as follows: 		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Dawn Thomas	I. Signature of Preparer Dawn Thomas Dawn Thomas, Community Development	J. Date 5/22/2019
K. Accounting Staff Name & Title	L. Signature of Accounting Staff	M. Date

Town of Riverhead
Finance Department
Capital Project Checklist

Project Description: ROUND 17 DOWNTOWN REVITALIZATION GRANT FOR
THE INSTALLATION OF LED LIGHTING

Determine the project number, using the following format:

Digit 1 - Function

1 - General Gov't	5 - Transportation
3 - Public Safety	6 - Economic Assistance & Opportunity
4 - Health	7 - Culture & Recreation
	8 - Home and Community Service

Digits 2 & 3 - Year

Digits 4 & 5 - Next Sequential Project Number

Check the listing of projects for the current year and choose the next available

Project Number: 62204

Create a folder in the Account Share > Capital Projects folder
Include: - Initial TBR and any subsequent TBRs TBR #: _____
- Project detail spreadsheet

Determine accounts needed for this project:

Balance Sheet:

Cash -	H01-200-100-62204	CASH-ROUND 17 LED LIGHTING
Accounts Receivable -	H01-440-000-62204	DUE FROM OTHER GOVERNMENT
Accounts Payable -	H01-600-000-62204	ACCOUNTS PAYABLE
Fund Balance -	H01-915-000-62204	FUND BALANCE RESTRICTED FOR CAPITAL
Other -	H01-630-SL1-62204	DUE TO STREET LIGHTING
	H01-634-Z99-62204	DUE TO CENTRAL CLEARING

Source of Revenue:

Type: MULTIPLE GRANTS

Account Number: H01-2706-533-62204-6 SUFFOLK COUNTY GRANT
H01-2705-000-62204-6 GEORGICA GREEN VENTURES GRANT
H01-2705-100-62204-6 BIDMA GRANT
H01-5031-CD4-06920-K TRANSFER FROM CDBG

Expenditure Accounts:

200 Account: H01-6-6497-230-000-62204 STREET LIGHT INSTALLATION

400 Accounts: Professional Svcs. Contingency, etc.

900 Accounts: Transfers

Determine the bank account associated with project's cash account so it can be linked in Edmunds

Bank Account & ID: 130000177 PEOPLES TOWN HALL CAPITAL PROJECTS

Prepared by: RAY SCELZI 03/10/22

Reviewed by:

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-264****AUTHORIZES THE SETTLEMENT OF CLAIM MADE AGAINST THE TOWN OF RIVERHEAD (CYNTHIA DALSACE)**

Councilman Beyrodt Jr. offered the following resolution,
which was seconded by Councilman Rothwell

WHEREAS, a claim was filed by Cynthia Dalsace against the Town of Riverhead on December 24, 2020 to recover damages to her vehicle that occurred as the result of a motor vehicle accident on December 18, 2020; and

WHEREAS, the Third Party Administrator (TPA) under agreement with the Town of Riverhead has investigated and recommended that the claim be paid; and

WHEREAS, the Town Attorney has reviewed the recommendation and the facts and circumstances involving the accident, and agrees with the recommendation and has counseled the Town Board accordingly.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead be and hereby approves settlement of the claim in the sum of \$8,278.14 and authorizes the Town Attorney to facilitate payment upon receipt of a General Release of Claims from claimant; and

BE IT FURTHER RESOLVED, and that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, and if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation <u>Resolution</u> <u>XXX</u> Local Law		
B. Title of Proposed Legislation: Authorizes the Settlement of Claim Made Against the Town of Riverhead (Cynthia Dalsace) AUTHORIZES THE SETTLEMENT OF CLAIM MADE AGAINST THE TOWN OF RIVERHEAD (CYNTHIA DALSACE)		
C. Purpose of Proposed Legislation:		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>XXX</u> No		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: (a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget <u>KO</u> (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Karen Occhiogrosso	I. Signature of Preparer Karen Occhiogrosso Karen Occhiogrosso	J. Date 3/22/22
K. Accounting Staff Name & Title	L. Signature of Accounting Staff	M. Date 4/5/2022

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-265****AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT NUNC PRO TUNC WITH LONG ISLAND TELECOMMUNICATIONS & ELECTRONIC SERVICES, INC.**

Councilman Rothwell offered the following resolution,
which was seconded by Councilman Kern

WHEREAS, Resolution 2019-59 authorized the Supervisor to execute an Agreement with Long Island Telecommunications & Electronic Services, Inc. (LITES) for the fiscal years 2019, 2020 and 2021; and

WHEREAS, LITES has provided the Town of Riverhead Highway Department use of its UHF high band repeater system regarding two-way radio services, including back up radio system services and equipment, for the past seven years; and

WHEREAS, the Town of Riverhead Highway Department continues to require the use of two-way radios in its highway vehicles; and

WHEREAS, the Highway Superintendent has requested that the Town of Riverhead renew its agreement with LITES for the aforementioned services for fiscal years 2022, 2023 and 2024 in an amount not to exceed \$18,000 per year.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute an Agreement nunc pro tunc with LITES in an amount not to exceed \$18,000 for the fiscal years 2022, 2023, and 2024 and in substantially the form attached; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to

Long Island Telecommunications & Electronic Services, Inc.,
P.O. Box 1585
Riverhead, New York 11901
relaycom@aol.com

, as well as the Highway, Purchasing, and Accounting Departments; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <input checked="" type="checkbox"/> Local Law		
B. Title of Proposed Legislation: Authorizes the Supervisor to Execute an Agreement Nunc Pro Tunc with Long Island Telecommunications & Electronic Services, Inc.		
C.		
D. Purpose of Proposed Legislation:		
E. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No		
F. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget <u>TB</u> (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or</p> <p>(b) The description/explanation of fiscal impact is set forth as follows:</p>		
G. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
H. Proposed Source of Funding Appropriation Account to be Charged: DA1-5-5110-462 Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Teresa Baldinucci	I. Signature of Preparer Teresa Baldinucci Teresa Baldinucci	J. Date 3/16/22
K. Accounting Staff Name & Title William Rothhaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothhaar</i> William Rothhaar	M. Date 3/29/22

Long Island Telecommunications & Electronic Services, Inc.
 P.O. Box 1585
 Riverhead, NY 11901
 631-236-3553

November 15, 2021

George Woodson
 SUPERINTENDENT OF HIGHWAYS
 Town of Riverhead
 1177 Osborne Avenue
 Riverhead, NY 11901

**2022 Communications
 Rate Schedule for Two Way Radio Services**

Dear Gio:

I would like to express my sincere appreciation for the highway department utilizing our two way radio services. It is a privilege to do so!!

Over the past eight years, the highway department has utilized our UHF highband repeater system. We have experienced zero system failures and have provided enhanced range and clarity with the new system. We have also increased the amount of radios being used by the highway department with more vehicles having radios than in the past.

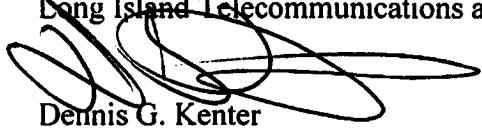
2022, will have a slight rate increase for our monthly services. The monthly amount will be \$1500.00/month. This breaks down to \$1400.00 for two way radio services as a complete package with back up radio systems and \$100.00 for maintenance of the radios and radio systems.

There will be no increase from 2023 and 2024; the rates for these two years will be locked in with the new pricing.

I would like to ask to budget \$900.00/year for miscellaneous parts as needed.

Thank you for allowing us the privilege of providing our communications services to the Riverhead Highway Department.

Sincerely,
 Long Island Telecommunications and Electronic Services, Inc.


 Dennis G. Kenter
 President

DGK:tyJ

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT made the day of April, 2022 between the TOWN OF RIVERHEAD, (hereinafter "Town") a municipal corporation with offices located at 200 Howell Avenue, Riverhead, New York, 11901, and LONG ISLAND TELECOMMUNICATIONS & ELECTRONIC SERVICES, INC. (hereinafter "LITES"), a corporation existing under the laws of the State of New York, having an address for business as P.O. Box 1585, Riverhead, New York 11901.

WITNESSETH:

WHEREAS, the Town has requested the services of LITES for the purposes of providing radio communications services to the Town Highway Department.

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. Scope of services

The Town hereby retains the services of LITES for the purposes of providing telecommunications support services, inclusive of license fees, to the Town of Riverhead as follows:

- (a) Maintenance, service, including factory repair of Motorola two way radios by the Town of Riverhead Highway Department;
- (b) the continuous use of one (1) UHF repeater system and unlimited two way radios,
- (c) FCC license usage and maintenance;
- (d) Replacement of two way radios, except if damage or loss is due to cited exclusions; and
- (e) Such other services as set forth in Proposal attached hereto as Exhibit "A".

2. Compensation for service

As compensation for such services, the Town will pay LITES the following sums for each fiscal year of 2022, 2023 and 2024: a) one lump sum payment in the amount of \$900.00 for miscellaneous parts as they may be needed for each fiscal year; and b) an annual sum, payable in monthly installments of \$1,500.00 during the term of this agreement covering all other services including use of the UHF highband repeater system.

LITES shall notify the Town in writing providing a description of the additional services it proposes to provide together with an explanation as to why the additional services are necessary. In no event shall LITES perform any additional services without the prior written agreement of the Town Board. LITES shall timely complete its obligations

hereunder but in case later than six (6) months from the date hereof unless the Town and LITES shall agree otherwise in writing. LITES shall supply information regarding services they have performed as may be requested from time to time by the Town.

LITES shall submit invoices and official voucher to the Town every month and will indicate time and expenses incurred during that period pursuant to the tasks identified herein. The Town shall pay LITES within 30 days of their receipt by the Town. The Town has the right to withhold payment for portions of work not completed, after notification to LITES unless the schedule is extended for reasons beyond the control of LITES, including extra agency review or other unanticipated events.

3 Term of Agreement

The Agreement shall be for a three (3) year term from January 1, 2022 to December 31, 2024, unless terminated as otherwise provided herein.

This Agreement may be terminated by either party and for any reason upon 30 days written notice to the other party. In that event, LITES shall be compensated only for the value of services and expenses incurred in accordance with this agreement at time services were terminated.

4. Modifications to Agreement

This Agreement may only be modified in writing and such modification is subject to approval by the Town Board of the Town pursuant to a duly adopted resolution.

5. Performance of Professional Services

LITES will perform its service hereunder in a timely manner. LITES shall not be responsible for delays occasioned by factors beyond its control nor by factors which could not reason LITES may have been foreseen at the time this Agreement was executed.

LITES shall be entitled to rely on information provided by the Town provided said information is sealed by a licensed professional where appropriate or directly provided to LITES by the Town.

LITES shall perform its services in accordance with the professional standards applicable to the services provided, i.e. telecommunications and information technology, at the time such services are rendered.

Except as otherwise provided herein, the parties agree that LITES liability under this agreement and for the project shall be limited to the total contract cost to the Town as specified and Exhibit A and any modifications made thereto.

6. LITES understands and recognizes that in conducting the work authorized by this agreement its employees and or agents may have access to confidential or sensitive Town documents and/or records. LITES agrees that it shall not copy, utilize, distribute or otherwise provide unauthorized access to any Town documents and/or records. LITES agrees to indemnify and hold the Town harmless from any and all damages it may incur by reason of the unauthorized distribution, use or exposure of Town documents together with the Town's reasonable attorneys' fees incurred in connection with such unauthorized distribution, use or exposure of confidential Town documents. LITES shall immediately notify the Town in writing should its employees or agents become aware that copying, use, distribution or other unauthorized exposure of Town documents has occurred.

7. Controlling Law

This Agreement shall be construed according to the laws of the State of New York.

IN WITNESS WHEREOF, this Agreement has been duly executed by the parties hereto.

TOWN OF RIVERHEAD

LONG ISLAND TELECOMMUNICATIONS
& ELECTRONIC SERVICES, INC.

By: _____
Yvette Aguiar, Supervisor

By: _____
Dennis G. Kenter

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-266**

AUTHORIZES LAWRENCE M. LEVY, D/B/A ON-SITE PRODUCTIONS, NUNC PRO TUNC, TO PROVIDE ADDITIONAL AUDIO/VISUAL PRODUCTION SERVICES FOR THE TOWN OF RIVERHEAD DRI PUBLIC MEETINGS 3/21/2022

Councilman Kern offered the following resolution,
which was seconded by Councilman Hubbard

WHEREAS, the Town of Riverhead retained the services of Lawrence M. Levy, d/b/a On-Site Productions, to provide audio/visual recording, editing, programming and other cablecast and/or communications-related activities regarding the Town's cablecast operations by agreement dated on or about December 19, 2017, and as renewed and amended, which is incorporated by reference as if it was recited in its entirety herein; and

WHEREAS, the Agreement with Mr. Levy d/b/a On-Site Production, also provided for additional compensation at the rate of \$60.00 per hour regarding Town-directed additional cablecast services; and

WHEREAS, the Town of Riverhead desired to retain the services of Lawrence M. Levy, d/b/a On-Site Productions, to cablecast the Town of Riverhead DRI Public Meetings (3-5 PM and 6-8 PM on 3/21/22) at the Riverhead Town Hall; and

WHEREAS, Lawrence M. Levy d/b/a On-Site Productions was ready, willing and able and did in fact provide such aforementioned additional cablecast services as desired, directed and contractually addressed in the Agreement, in the form of seven and one half (7.5) hours of additional cablecast services as reflected in the subject invoice.

NOW THEREFORE BE IT RESOLVED, that Lawrence M. Levy, d/b/a On-Site Productions, is authorized, nunc pro tunc, to provide additional cablecast services and receive payment for same regarding the aforementioned Town of Riverhead DRI meetings (3-5 PM and 6-8 PM on 3/21/22) at the subject locale, date and time, as well as additional cablecast services by his contractual, customary and usual practice, at a compensation rate of \$60.00 (sixty dollars) per hour, including compensation for time expenditure related to appropriate and reasonable pre-production and post-production requirements, tabulated in the total amount of \$450.00 (four hundred fifty dollars) and that the Accounting Department is authorized to pay Mr. Levy for same subject to claim voucher and the invoice submission; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to On-Site Productions onsiteprod@optonline.net, and the Office of Accounting; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

<p>A. Type of Legislation Resolution <u>XXX</u> Local Law</p> <p>A. Title of Proposed Legislation: Authorizes Lawrence M. Levy, D/B/A On-Site Productions, Nunc Pro Tunc, to Provide Additional Audio/Visual Production Services For the Town of Riverhead DRI Public Meetings 3/21/2022 Authorizes Lawrence M. Levy, D/B/A On-Site Productions, Nunc Pro Tunc, to Provide Additional Audio/Visual Production Services For the Town of Riverhead DRI Public Meetings 3/21/2022</p> <p>B. Purpose of Proposed Legislation:</p> <p>C. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>XXX</u> No</p> <p>D. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable:</p> <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget <u>KO</u> (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p> <p>E. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years</p> <p>F. Proposed Source of Funding Appropriation Account to be Charged:</p> <p>Grant or other Revenue Source:</p> <p>Appropriation Transfer (list account(s) and amount):</p>		
H. Typed Name & Title of Preparer: Karen Occhiogrosso	I. Signature of Preparer Karen Occhiogrosso Karen Occhiogrosso 4/5/2022	J. Date 3/25/22
K. Accounting Staff Name & Title William Rothhaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothhaar</i> William Rothhaar	M. Date 3/29/22

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-267****AUTHORIZES LAWRENCE M. LEVY, D/B/A ON-SITE PRODUCTIONS, TO PROVIDE ADDITIONAL AUDIO/VISUAL PRODUCTION SERVICES REGARDING THE BOARD OF ASSESSMENT REVIEW HEARING ON MAY 17, 2022**

Councilman Hubbard offered the following resolution, which was seconded by Councilman Beyrodt Jr.

WHEREAS, the Town of Riverhead retained the services of Lawrence M. Levy, d/b/a On-Site Productions, to provide audio/visual recording, editing, programming and other cablecast and/or communications-related activities regarding the Town's cablecast operations by agreement dated on or about December 19, 2017, and as renewed and amended, which is incorporated by reference as if it was recited in its entirety herein; and

WHEREAS, the Town of Riverhead Board of Assessment Review in conjunction with the Assessment Department desires to produce an audio/visual recording of two separate sessions of the Board of Assessment Review hearing on May 17, 2022, starting at 10:00 a.m., and 6:00 p.m., respectively, at Riverhead Town Hall; and

WHEREAS, minutes of the examination of every person examined upon the hearing of any Board of Assessment Review complaint shall be taken as statutorily required by New York State Real Property Tax Law section 525(2)(a); and

WHEREAS, Lawrence M. Levy, d/b/a On-Site Productions, is ready, willing and able to provide such additional audio/visual production services as desired and contractually addressed in the subject Agreement.

NOW THEREFORE BE IT RESOLVED, that Lawrence M. Levy, d/b/a On-Site Productions, is authorized and approved, to provide additional audio/visual production services regarding the aforementioned Board of Assessment Review hearing on May 17, 2022, by his customary and usual practice, at a compensation rate of \$60.00 (sixty dollars) per hour, including compensation for time expenditure related to appropriate and reasonable pre-hearing preparation and post-hearing production requirements, capped at a time expenditure of no more than seven hours equating to total compensation of \$420.00 or less; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the Office of Accounting and Town Attorney; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>XXX</u> Local Law		
<p>A. Title of Proposed Legislation: Authorizes Lawrence M. Levy, D/B/A On-Site Productions, to Provide Additional Audio/Visual Production Services Regarding the Board of Assessment Review Hearing on May 17, 2022</p> <p>B. AUTHORIZES LAWRENCE M. LEVY, D/B/A ON-SITE PRODUCTIONS, TO PROVIDE ADDITIONAL AUDIO/VISUAL PRODUCTION SERVICES REGARDING THE BOARD OF ASSESSMENT REVIEW HEARING ON MAY 17, 2022</p>		
C. Purpose of Proposed Legislation:		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>XXX</u> No		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable:		
<p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget <u>KO</u> (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J;</p> <p style="text-align: center;">or</p> <p>(b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
<p>G. Proposed Source of Funding Appropriation Account to be Charged:</p> <p>Grant or other Revenue Source:</p> <p>Appropriation Transfer (list account(s) and amount):</p>		
H. Typed Name & Title of Preparer: Karen Occhiogrosso	I. Signature of Preparer Karen Occhiogrosso Karen Occhiogrosso 4/5/2022	J. Date 3/15/22
K. Accounting Staff Name & Title	L. Signature of Accounting Staff	M. Date

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-268**

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH NETFLIX PRODUCTIONS, LLC. FOR USE OF TOWN OF RIVERHEAD PREMISES AND FOR POLICE DEPARTMENT PERSONNEL AND VEHICLES REGARDING A FILM PROJECT

Councilman Beyrodt Jr. offered the following resolution,
which was seconded by Councilman Rothwell

WHEREAS, Netflix Productions, LLC., the production company for Netflix (hereinafter "Netflix") has expressed its desire to use property of the Town of Riverhead known as Hulse Landing Road, between Sound Avenue and New York Route 25A; Sound Avenue, between East Winds Drive and Hulse Landing Road; Twomey Avenue, between Sound Avenue and Youngs Avenue and Horton Avenue, between Reeves Avenue and Sound Avenue for a film production entitled, "Leave the World Behind"; and

WHEREAS, Netflix will also require the assistance and services of the Riverhead Police Department during the filming of the aforementioned television production, regarding road closure, traffic control and escort.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached Agreement with Netflix in substantially the form attached hereto; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Office of the Town Attorney; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

<p>A. Type of Legislation Resolution <u>XXX</u> Local Law</p> <p>A. Title of Proposed Legislation: Authorizes the Supervisor to Execute an Agreement with Netflix Productions, LLC. for Use of Town of Riverhead Premises and for Police Department Personnel and Vehicles Regarding a Film Project AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH NETFLIX PRODUCTIONS, LLC. FOR USE OF TOWN OF RIVERHEAD PREMISES AND FOR POLICE DEPARTMENT PERSONNEL AND VEHICLES REGARDING A FILM PROJECT</p> <p>B. Purpose of Proposed Legislation:</p> <p>C. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u>XXX</u></p> <p>D. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable:</p> <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or</p> <p>(b) The description/explanation of fiscal impact is set forth as follows:</p> <p>E. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years</p> <p>F. Proposed Source of Funding Appropriation Account to be Charged:</p> <p>Grant or other Revenue Source:</p> <p>Appropriation Transfer (list account(s) and amount):</p>		
H. Typed Name & Title of Preparer: Karen Occhiogrosso	I. Signature of Preparer Karen Occhiogrosso Karen Occhiogrosso	J. Date 3/28/22
K. Accounting Staff Name & Title William Rothhaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothhaar</i> William Rothhaar	M. Date 3/29/22

LICENSE AGREEMENT

PROPERTY OWNER:
Town of Riverhead
 200 Howell Avenue
 Riverhead, NY, 11901

PRODUCTION COMPANY:
Netflix Productions, LLC
 5808 Sunset Blvd.
 Los Angeles, CA 90028

Program Title: **Leave The World Behind**

This License Agreement is made the _____ day of _____, 2022, between the Town of Riverhead, 200 Howell Avenue, Riverhead, New York, 11901, Property Owner (hereinafter "Town") and Netflix Productions, LLC, Production Company, 5808 Sunset Blvd., Los Angeles, CA, 90028 (hereinafter "Company") regarding Company's use of the Premises described below in connection with the production of the above program title hereinafter referred to as "film project". This agreement sets forth the entire understanding between Town and Company and may not be altered except by another written agreement signed by both Town and Company.

1. License Parameters:

Town hereby grants to the above-named Company the exclusive, non-assignable, revocable and conditional privilege during the Term herein, described below, to enter upon and to utilize the Premises regarding exterior film production, further described below, and as depicted in **Schedule "A"** (attached hereto). In addition, Town hereby grants to Company the exclusive, non-assignable, revocable and conditional privilege to bring onto the Premises such personnel and equipment as the Company deems necessary, including use of drone technology subject to compliance with FAA licensing and certification requirements, as well as other statutory and/or other regulatory requirements, for and in connection with the production of the Program, upon the terms set forth herein, and subject to the direction and authority of the Riverhead Town Police Department. In the event of a conflict between the terms of the License Agreement and **Schedule "A"**, the terms of the License Agreement shall control. The Agreement allows the Company to enter upon the Premises (with personnel, materials, vehicles, and equipment), erect exterior theatrical film sets and place ancillary props thereon, conduct activities associated with the film project and, as applicable, film, photograph and record at the Premises (including, without limitations, to photograph and record exterior settings depicted thereat, including all the signs, displays, exteriors, and the like appearing therein with the exception of personal residences, including any identifying features of same.) Town also agrees, acting through the Riverhead Town Police Department, to provide a contingent of nine (9) Riverhead Town police officers, including supervisory personnel, for the purpose of securing the subject Premises, including but not limited to designated roadway closure (on a full, partial, emergency vehicle basis, or to local traffic only, solely within the discretion and authority of the Riverhead Town Police Department), including traffic control and escort, as addressed herein.

This agreement is subject to and may be canceled by Town or Company as premised upon ***force majeure considerations***, defined as one or more of the following acts, events or circumstances or a combination of acts, events or circumstances or the consequences thereof, that wholly or partly prevent the performance by either Town or Company of its respective obligations pursuant to the Agreement, but only if and to the extent that such acts, events or circumstances are not within the reasonable control, directly or indirectly, of the affected party and could not have been avoided by the affected party, nor the result of the affected party's negligence or failure to act, such as: acts of God; civil disturbance; sabotage; strikes; work stoppages; action or restraint by court order; public or governmental authority.

2. **Premises:**

The reference to "the Premises" as used herein refers to the premises delineated as follows within the Town of Riverhead:

- a. Hulse Landing Road, between Sound Avenue and New York Route 25A.
- b. Sound Avenue, between East Winds Drive and Hulse Landing Road.
- c. Twomey Avenue, between Sound Avenue and Youngs Avenue.
- d. Horton Avenue, between Reeves Avenue and Sound Avenue.

Company and Town understand, acknowledges and agrees that the subject roadway closures shall be undertaken on a rotating basis, at the request of Company but subject to the direction, discretion and authority of the Riverhead Town Police Department. Company understands, acknowledges and agrees to take such Premises in their respective "as is" condition without reliance upon any representations or warranties of Town. Company agrees that Town is under no obligation to repair, improve, alter or remediate any portion of the Premises for purposes of this Agreement. Company understands, acknowledges and agrees that Company is prohibited from physically altering and/or disturbing the Premises except to the extent of utilizing various scene props, signs, vehicles and/or other equipment or devices, of a non-permanent nature. Company agrees to return said Premises to the same condition as existed before commencement of film production. Company also agrees to act in a manner wherein safety considerations are of paramount importance.

3. **TERM:**

- a. The phrase ("the Term") shall encompass the time period between **Monday, April 25, 2022, and Friday, April 29, 2022, inclusive.**
- b. **Total Film Productions Days:** Film production shall be limited to **two (2) days plus an additional rain day**, if needed for production requirements, within the above stated Term. **Company agrees to notify Town on or before Monday, April 11, 2022, 12 noon, EST, as to which two days shall be designated as filming production days regarding the Premises which is deemed a material term of this Agreement.** Company understands, acknowledges and agrees that

Town police staffing requirements and contractual considerations require timely notification as delineated herein and that Company's failure to provide such timely notification shall be deemed a material breach of this Agreement tantamount to automatic rescission of this Agreement. In the event of such a contract breach, Company understands, acknowledges and agrees that Town shall have no obligation to fulfill any of the terms of the Agreement. In addition, Company understands, acknowledges and agrees that Town shall not be liable for any compensatory, incidental, consequential, nominal nor any other damages sustained by Company, pre-dating or post-dating the delineated notification of the contract breach, which shall survive the termination and/or rescission of the Agreement. Company understands, acknowledges and agrees that Town is relying upon timely film production date notification to properly administer the requested road closures and traffic control in a safe manner.

- c. **Total Film Production Hours:** Company and Town agree that Company has requested, and Town has agreed, to provide nine (9) police officers, including supervisory personnel, for thirteen (13) hours per each day of film production, between 7:00 a.m. and 8:00 p.m., based upon Company's proposed film production schedule and requested roadway closure, traffic control and escort.

4. Warranties

Town hereby represents and warrants that:

- a. Town has the lawful authority to enter into this Agreement and to grant Company the conditional, non-assignable, exclusive and revocable privileges set forth herein;
- b. That no other person, firm, corporation or entity's consent or permission is necessary in order to enable Company to enjoy full rights to the use of the Premises as outlined herein;
- c. That Town will take no action, nor allow or authorize any third party to take any action which might interfere with the full use and enjoyment of the Premises by Company as outlined herein; and
- d. That there are no outstanding contracts or commitments of any kind which conflict with this Agreement or may limit, restrict or impair Company's use and enjoyment of the Premises or the rights granted to Company hereunder.

5. Payment:

As compensation for the use of the Premises and for utilization of Riverhead Police Department personnel/vehicles, as well as utilization of other Town personnel, including but not limited to personnel in the Riverhead Town Attorney's office, Company shall pay Town the sum of **Seventy-Five thousand and 00/100 USD**

(\$75,000.00) for film production including prep, filming and wrap, which sum is calculated as follows and based upon the following:

- a. The sum of **Seven thousand, five hundred and 00/100 USD (\$7,500.00)** regarding use of the Premises for two days plus an additional rain day (equating to a per diem rate of Two thousand, five hundred and 00/100 US (\$2,500.00)) from 7:00 a.m. to 8:00 p.m. regarding the designated days; and
- b. The sum of **Sixty-two thousand and 00/100 USD (\$62,000.00)** for utilization of nine (9) Riverhead Town police officers in relation to film production at the Premises delineated herein, including roadway closure, traffic control and escort, from 7:00 a.m. to 8:00 p.m. regarding the designated days, including a rain-day, and use of nine (9) police vehicles regarding the designated days. Company and Town understand, acknowledge and agree that the hourly rate regarding both police personnel services delineated herein, and police vehicle usage is memorialized in the Police Personnel and Vehicle Usage Rate Schedule attached hereto as **Schedule “B”**.
- c. The sum of **Five thousand, five hundred and 00/100 USD (\$5,500.00)** for utilization of non-police Town personnel, including but not limited to personnel in the Town Attorney’s office. Company and Town understand, acknowledge and agree that the hourly rate regarding expenditure of Town legal services shall equate to \$116.31 per hour and Town legal support services shall equate to \$68.74 per hour. Company understands, acknowledges and agrees that a sum certain for legal services and legal support services cannot be ascertained at this time due to the continued expenditure of such legal services up to and including completion of film production and any other related post-film production activities. As such, Town shall provide an accounting of actual legal services and legal support services expended at the conclusion of the filming project.
- d. Company understands, acknowledges and agrees to provide an advance payment in the amount of **Seventy-Five thousand and 00/100 USD (\$75,000.00) via wire transfer on or before Monday, April 11, 2022, 12 noon, EST, made payable to the “Town of Riverhead” (actual wire transfer instructions to be provided by separate communication)**.
- e. If Town personnel, including police personnel, determines that projected costs shall exceed advance moneys received, Town, at its sole option, may require an immediate additional payment, via wire transfer, equating to the sum of the additional projected costs. Company understands, acknowledges and agrees that Company’s failure to provide additional moneys equating to additional projected costs incurred by Town are grounds for immediate termination of said Agreement, upon immediate notice. In the event Town terminates said Agreement regarding Company’s failure to convey additional moneys regarding projected additional costs, Company shall not be entitled to any damages as delineated in section 3(b).

- f. Company and Town understand, acknowledges and agrees that at the conclusion of the filming project, Riverhead Town Police personnel and Riverhead Town Attorney personnel shall provide Company with a statement regarding the actual cost to the Town regarding police personnel services and legal services. If the actual cost is less than the moneys that the Town has collected pursuant to the above-referenced sub-sections, the Town shall remit the remaining balance to Company within forty-five (45) days. If the actual cost to the Town is more than the moneys received by the Town pursuant to the above-referenced sub-sections, Company shall remit payment equating to the Town's actual costs within forty-five (45) days of receipt of the Town's notice.
- 6. Upon conclusion of the Term, if Company requires use of the Premises for additional use in connection with the filming project, Company shall be required to negotiate such additional terms with the Town upon mutually agreeable terms and conditions.
- 7. Upon conclusion of the Term, Company agrees to return the Premises back to its original condition following completion of the filming schedule and to use reasonable care to prevent damage to the Premises. Company agrees to maintain the Premises free of trash and debris.

8. Hold harmless/indemnification:

Company agrees to hold the Town of Riverhead, Town of Riverhead Police Department, and its officials, employees, agents, assigns and representatives, harmless and to indemnify same, including costs and expenses related to attorneys fees, litigation costs, including appeal costs and expenses, regarding damage to the Premises and property located thereon and for personal injury, including death, occurring on the Premises caused by Company's negligence or other actions, directly and/or indirectly and from any and all liability and loss which Town may incur by reason of any accidents, injuries, death or other damage to the Premises or third parties caused by Company's negligence in connection with Company's use of the Premises except as caused by Town's gross negligence. In connection therewith, Town agrees to submit to Company in writing, within five (5) days after the expiration of the Term (including any additional use by Company of the Premises) a detailed listing of all claimed property damage or personal injuries for which Company is responsible, and Town shall permit Company's representatives to inspect the property so damaged.

9. Insurance

The Company will be responsible for providing commercial general liability insurance as well as motor vehicle liability insurance both in the amount of not less than \$5,000,000.00 per occurrence and \$10,000,000.00 in the aggregate, with a company or companies reasonably satisfactory to the Town on or before April 11, 2022. The Company shall provide the foregoing insurance, stating the Town of Riverhead as additional insured, by separate endorsement, to the extent of their

interest and provide such required insurance coverage **on a primary and non-contributory basis by separate endorsement.**

10. Disclaimer/Warranties:

- a. The Company understands, acknowledges and agrees that Town shall not be liable or responsible for lost, damaged or stolen property regarding Company, Company's employees, agents, representatives, contractors and guests. Company further agrees that Town shall not be liable to Company regarding injuries to persons, including death, or damage to Company's property regarding the film production project and schedule except those injuries and damages caused by the Town's own gross negligence. Company further agrees that that Town shall not be liable for any direct, indirect, compensatory, incidental, consequential, nominal nor any other damages sustained by Company, including but not limited to damages caused by weather-related conditions, except those caused by Town's gross negligence.
- b. Company warrants that the named signatory is authorized to execute this Agreement on behalf of Netflix Productions, LLC. Company shall provide a copy of the certificate of incumbency evincing same.

11. PROHIBITED USE ACTIVITY

Company understands, acknowledges and agrees that Company may not utilize the following instruments or engage in the following activities during the Term of this Agreement, as well as any applicable Term amendments:

- a. any firearms and/or any other weapons, defined as those classes of instruments designed for and/or capable of causing personal injury, including death; and
- b. fireworks; and
- c. wild animals; and
- d. obscene and/or indecent and/or objectionable material, visual or otherwise.

12. Notice:

For purposes of this Agreement, all notices to the Town shall be addressed to: The Town of Riverhead, 200 Howell Avenue, Riverhead, New York, 11901: Attn: Town Attorney's Office, 631-727-3200. All notices to Company shall be addressed to Netflix Productions, LLC, Grumman Studios-Unit 3, 1st floor, 500 Grumman Road West, Bethpage, New York, 11714: Tel No. 516-207-0329, with a copy to: Netflix Productions, LLC, 5808 Sunset Blvd., Los Angeles, legal@netflix.com

This agreement shall be effective upon execution of the last date written below.

NETFLIX PRODUCTIONS, LLC

By: _____

Print Name: _____

Title: _____

Date: _____

TOWN OF RIVERHEAD

By: Yvette M. Aguiar, Town Supervisor

Date: _____

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-269****AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH
CELTIC QUEST INC.**

Councilman Rothwell offered the following resolution,
which was seconded by Councilman Kern

WHEREAS, the Town of Riverhead recognizes the importance of promoting recreational and responsible use of our waterfront and resources; and

WHEREAS, Celtic Quest Inc. seeks permission to operate a fishing charter and utilize the Town of Riverhead's dock located on the south side of the East Creek Docking Facility to dock its 65 foot, 100 passenger Yank built, fishing/charter vessel; and

WHEREAS, the Town of Riverhead deems it advantageous to itself and to businesses located within the Town to grant permission to the Licensee to operate a charter fishing business subject to certain terms, conditions and restrictions.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a License Agreement in substantially the same form as annexed hereto between the Town of Riverhead and Celtic Quest, Inc. to operate a fishing charter and dock the vessel at the East Creek Docking Facility for a term of one month, May 1, 2022 to May 31, 2022, with a dockage fee of \$1,800.00; and be it further

RESOLVED, that the Town Clerk shall forward a copy of this resolution to the Recreation Department and the Office of the Town Attorney; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of the same may be obtained from the office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>XXX</u> Local Law		
A. Title of Proposed Legislation: Authorizes the Supervisor to Execute a License Agreement With Celtic Quest Inc. AUTORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH CELTIC QUEST, INC. FOR USE OF TOWN OF RIVERHEAD PREMISES AT EAST CREEK DOCKING FACILITY FOR OPERATION OF FISHING CHARTER		
B. Purpose of Proposed Legislation:		
C. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u>XXX</u>		
D. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
E. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
F. Proposed Source of Funding Appropriation Account to be Charged:		
Grant or other Revenue Source:		
Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Karen Occhiogrosso	I. Signature of Preparer <u>Karen Occhiogrosso</u> Karen Occhiogrosso 4/5/2022	J. Date 3/28/22
K. Accounting Staff Name & Title William Rothhaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothhaar</i> William Rothhaar	M. Date 4/04/22

LICENSE AGREEMENT TO OPERATE FISHING CHARTER AT EAST CREEK DOCK/MARINA BETWEEN TOWN OF RIVERHEAD AND CELTIC QUEST, INC.

This License Agreement is made this day of April, 2022, by and between the Town of Riverhead, a municipal corporation with offices located at 200 Howell Avenue, Riverhead, NY 11901 (hereinafter referred to as "Town/Licensor") and Celtic Quest, Inc., a corporation licensed to do business in the State of New York, with its principal place of business at 21 Waterview Drive, Port Jefferson, NY 11777 (hereinafter referred to as "Celtic Quest, Inc./Licensor").

Whereas, the Town is the owner of an area of land known as East Creek Dock/Marina; and

Whereas, Celtic Quest, Inc./LICENSOR desires to obtain from Town/LICENSEE a license to dock a 65' commercial fishing vessel (Charter Vessel Documentation #591465) for purposes of operating a charter fishing business at East Creek Dock/Marina; and

Whereas, the LICENSOR deems it advantageous to itself and to business located within the Town to grant to the LICENSEE to operate a charter fishing business subject to certain terms, conditions and restrictions; and

Now, therefore, in consideration of the premises and the mutual promises contained here, the parties agree as follows:

Article I.

Upon the terms and conditions hereinafter set forth, the Town of Riverhead (hereinafter "LICENSOR") hereby grants a License to Celtic Quest, Inc. (hereinafter "LICENSEE") 65 feet of dock space for the purpose of operating a charter fishing business at the Town dock/marina known as East Creek Dock/Marina. This License does not grant LICENSEE use of any portion of the unimproved areas (beach/lawn/grass areas) or dock/boardwalk area, except to the extent that same is required for individuals to gain access (passenger embarking and disembarking, loading equipment/supplies) to the vessel. LICENSEE shall not locate any object, device, structure on the dock/walkway or otherwise obstruct pedestrian traffic along the dock/walkway.

Article II.

1. Term of the License

- a. The term of this License (the "term") shall commence on May 1, 2022 and shall end on May 31, 2022.
- b. Upon the expiration of the term, LICENSEE shall vacate the dock and remove or relocate the fishing vessel. In the event LICENSEE fails to remove the vessel from licensed premises at the expiration of the term of the License, LICENSEE shall be required to pay a fee of \$100.00 (one hundred dollars) per day or such portion

thereof for each day the vessel continues to remain at the licensed premises. In the event LICENSEE fails to remove the vessel within 30 days after the expiration of the term of the License, LICENSOR shall be entitled to remove the vessel and access all charges set forth above, together with expenses/charges/costs related to the removal, relocation and storage of the vessel to the LICENSEE and/or owner of the vessel and the expenses so assessed shall constitute a lien against the LICENSEE and/or owner of the vessel.

2. License Fee

- a. In exchange for the License set forth above for the use of the licensed premises in connection with this Agreement, LICENSEE shall be required to pay LICENSOR a License fee in the amount of \$1800.00 (License Fee: \$1,500, Processing Fee: \$100 and Garbage Collection Fee: \$200) and said sum shall be payable upon execution of this agreement. The payment shall be made payable to the "Town of Riverhead".
- b. Any permits necessary from any state or local governmental agencies shall be the responsibility of the LICENSEE.

3. License Premises

- a. LICENSOR grants a License to LICENSEE for use and occupancy of 65 feet of dock space for a fishing vessel for the purpose of operating a charter fishing business at the Town dock/marina known as East Creek Dock/Marina, together with use of unimproved areas (beach/lawn/grass areas) or dock/boardwalk area limited to and for the sole purpose of individual/customer access (passenger embarking and disembarking, loading equipment/supplies) to the vessel.
- b. In addition, LICENSOR grants use of a portion of the parking area designated by the Parks & Recreation Superintendent or his designee at East Creek Town Beach (located in proximity to the marina/dock) for vehicle parking for LICENSEE'S customers/passengers subject to the following: LICENSEE must create and submit to the Parks & Recreation Superintendent for approval a customer parking tag to be displayed on the front dashboard or displayed from the rear view mirror (readily visible) identifying the tag holder as customer of LICENSEE; the customer parking tag must be date specific to avoid unauthorized parking; and LICENSEE agrees to instruct all customers to (i) to park vehicles in that portion of the parking lot designated by the Parks & Recreation Superintendent for LICENSEE customers (ii) affix customer parking tag to vehicle.
- c. LICENSEE is familiar with the licensed premises, including unimproved areas (beach/lawn/grass areas), dock/boardwalk area, and East Creek Town Beach Parking Area and has examined the premises prior to the execution of this License and is satisfied with the physical condition of the premises and further agrees that the premises are in a safe condition and in good repair. LICENSEE agrees to accept the licensed premises in its "as is" condition without any representations or warranties and agrees to limit use to those uses consistent with the purposes

stated in this License Agreement. LICENSEE shall be prohibited from using the licensed premises and vessel as a residence or place of lodging nor may LICENSEE operate any other business or commercial activity on the subject property other than the charter fishing business. In addition, LICENSEE has investigated the improvements and natural features of East Creek Dock/Marina which may potentially effect activities of Celtic Quest, Inc. and its members and guests in the vicinity of the licensed premises, the parking area adjacent to the licensed premises, and the waters of the Peconic River in proximity to the licensed premises and, finally, the potential issues related to use of boats navigating through and along the waters, and represents that there exists no impediment to the intended operation and activities of Celtic Quest, Inc.. It is understood and agreed, LICENSOR has made no representation regarding: improvements, natural features, or boating activities on the waters nor has LICENSEE relied upon any such representation by the LICENSOR and instead LICENSEE bears sole responsibility for investigation as to such issues related to the intended use and operation of the above described areas related to activities of Celtic Quest, Inc..

- d. LICENSEE shall not remove, alter or modify any existing improvement on the subject property (dock, boardwalk, grass/picnic areas and adjacent parking areas) nor permanently attach, affix, or permit to be permanently attached or affixed upon the premises.

Article III.

1. Use and Occupancy

- a. LICENSEE agrees to utilize the licensed premises for mooring of the vessel and operation of a charter fishing business. It is understood that the License permits passengers/customers of said fishing charter vessel to utilize LICENSOR'S parking area subject to the terms and conditions set forth in Article II (3)(b) above and dock for the purposes of egress and ingress (loading upon and unloading from the vessel).
- b. LICENSEE understands that the licensed premises is municipal park property and that, as such, it must keep the premises free of debris at all times.
- c. LICENSEE acknowledges that the novel coronavirus, Covid-19, had been declared a worldwide pandemic by the world health organization. Covid-19 is extremely contagious and is believed to spread mainly from person-to-person contact. As a result and at the height of Covid-19 and strains of Covid-19, federal, state, and local governments and federal, state, and local health agencies implemented guidelines and recommendations related to social distancing, wearing personal protective equipment, and have limited the size of gatherings at public parks and recreational facilities. While at present the past guidelines, recommendations and restrictions are not required, to the extent that federal, state, and local governments and federal, state, and local health agencies reinstitute same or similar regulations during the period of time of the license term, LICENSEE agrees to comply with applicable local, state, or federal orders or

regulations related to health and safety protocols related to Covid-19. LICENSEE acknowledges that the LICENSOR reserves the right to terminate this licensee agreement for failure to comply with this provision.

- d. LICENSEE, at its own expense, shall keep the premises in good repair and agrees to surrender the premises to LICENSOR at the end of the term of this License in the same condition as at the beginning of the term, ordinary wear and use being excepted, and shall pay for all damages occasioned by its use.
- e. LICENSEE agrees to dispose of all refuse and garbage at its own cost and expense in accordance with Chapter 103 of the Code of the Town of Riverhead and shall not permit the accumulation of waste or refuse matter at the site. The LICENSEE is responsible for keeping the area free of dirt, debris and garbage to prevent foul odors from interfering with public use of the dock/marina, boardwalk, beach/grass/picnic area and parking lot. LICENSEE, at its own expense, shall keep the premises and surrounding area in a safe, clean and sanitary condition. LICENSEE agrees that no fish will be cleaned on the municipal dock/marina or on other municipal property. LICENSEE agrees to dispose of fish carcasses, bait, as well as other fishing waste in bags and that such bags will be removed from the premises daily by the LICENSEE. LICENSEE agrees that no such waste shall be deposited in or in the vicinity of East Creek Dock/Marina, beach/grass/picnic area or parking area.
- f. LICENSEE shall also ensure safe access to and from the premises. If the premises and surrounding area are not maintained by the LICENSEE, then LICENSOR reserves the right to terminate this License, or come upon the premises and take all actions necessary to restore the premises to the condition required herein. The cost and expense of LICENSOR shall be charged to LICENSEE.
- g. LICENSEE, or any and all persons in his/her employ or any other persons, is expressly forbidden to use public address systems or other mechanical or hand-operated voice or power operated megaphones in solicitation of business or for entertainment purposes. LICENSEE shall adhere to the provisions of Chapter 81 of the Code of the Town of Riverhead.
- h. LICENSEE shall not assign, transfer, mortgage, or otherwise dispose of or encumber this License or any rights without the prior written consent of LICENSOR. Any such attempt without consent of LICENSOR shall be an automatic revocation of this License and all payments received by LICENSOR shall be forfeited to the LICENSOR as liquidated damages.
- i. LICENSOR, its representatives and employees shall at all times have free access to the premises for purposes necessary, incidental to or connected with the performance of its obligations hereunder or in the exercise of LICENSOR'S governmental functions.
- j. In the event that the premises or any portion of the premises shall be destroyed or damaged by fire or other casualty so as to prevent the use of the premises for the

purposes and during the periods specified herein, or the premises cannot be used because of strikes, acts of god, or other causes beyond the control of LICENSOR, then this License shall terminate and LICENSEE waives any claim against LICENSOR for damages by reason of such termination. LICENSOR shall not be obligated to repair or rebuild the premises, but may elect in its sole discretion to do so.

Article IV.

1. Obligations of LICENSOR

- a. LICENSEE represents that his vessel meets all conditions required by the United States Coast Guard and that he maintains and keeps current all necessary licenses for the operation of his vessel as a charter fishing vessel. Upon request, LICENSEE shall provide to LICENSOR proof of the representations set forth herein. It is understood and agreed that this vessel shall be utilized for sport fishing and that occupancy/habitation of said vessel, other than sport fishing, shall not be permitted. LICENSEE agrees to use and occupy the premises pursuant to all rules and regulations prescribed by LICENSOR, all statutes, ordinances, rules, regulations and directions in existence during the periods covered by the License, made or issued by the federal, state or local governmental agencies or departments. LICENSEE covenants and warrants that the vessel is in all respects seaworthy and in safe condition unless otherwise stated in writing on this Agreement. LICENSEE and vessel shall be directly liable to LICENSOR for any loss, damage or injuries suffered by reason of any unsafe or un-seaworthy condition of the vessel.
- b. LICENSEE warrants and covenants that at all times when the vessel is at, near or is using the facilities of the Town dock/marina, the vessel shall not have aboard any dangerous or illegal devices, appliances or materials unless they are U.S. Coast Guard or other appropriate government agency, or underwriters laboratories or equivalent, approved in respect to the use being made of them.
- c. LICENSEE shall not use or permit open flame devices to be used at the dock/marina. In addition, LICENSEE shall not dispose or abandon any hazardous materials on the property in any way.
- d. LICENSEE and any of his guests shall act reasonably so as not to disturb others, shall observe quiet times, shall not operate generators or motors continuously after hours. Docks and walkways/boardwalk shall be clean of obstructions.
- e. LICENSEE shall not store supplies, materials, accessories, hoses or debris, gear, or any electrical cords upon any dock, boardwalk, walkway and grass/picnic area or fasten thereon any lockers, chests cabinets, steps, ramps or similar structures unless authorized by LICENSOR.

f. LICENSEE warrants and covenants that the vessel will be operated, and secured when not in operation, in a safe, careful manner so as not to cause damage to the LICENSOR'S facilities or to any other vessels, and shall be maintained in a safe and seaworthy condition and shall not be a public or private nuisance or interfere with the peaceful enjoyment of the dock/marina by others or be a source of environmental pollution. Unless LICENSEE states otherwise in writing, LICENSOR is entitled to rely on the apparent authority of anyone in possession or apparent charge of the vessel. In the event that LICENSEE or other authorized person is unavailable, or is available but refuses to act, and if the vessel is in danger of sinking, causing any hazard to navigation, becoming a fire, explosion or pollution hazard, or of causing damage to the dock/marina's facilities or, in the LICENSOR'S judgment presents a present or foreseeable hazard or danger, the LICENSEE authorizes LICENSOR to take reasonable and appropriate actions, at LICENSEE's sole risk and expense to abate, mitigate and otherwise deal with the apparent danger and to protect the dock/marina's facilities and other vessels using them or being stored there, as well as protect the general public and private property and vessels using the Peconic River, harbor and its environs. LICENSEE agrees to be bound by LICENSOR'S actions and to be fully and solely responsible for all expenses. Notwithstanding the above, nothing herein shall be construed to create any duty, obligation or responsibility to act on the part of LICENSOR; and nothing shall be construed to create any liability on the part of LICENSOR for failing to act in such circumstances; and nothing herein shall be construed to create any exception or waiver of the general conditions, restrictions, waivers, exonerations, etc. set forth herein in favor of LICENSOR.

Article V.

1. Insurance and Indemnification:

a. LICENSEE will secure, at its own expense, and furnish to LICENSOR prior to the commencement of the term of this License, policies of comprehensive general liability insurance in an amount not less than \$2,000,000.00; and such other insurance coverage/policies as set forth below. The required insurance coverage shall be with companies and in a form satisfactory to LICENSOR and shall be in effect during all periods specified in Article II of this License or any extension. The insurance policy shall provide that no cancellation or amendment or modification reducing the extent of insurance provided under the policy, once the policies have been filed with LICENSOR, shall be effective if such amendment or modification or cancellation will leave the LICENSEE without insurance of the type and amount required during the term of the License. Moreover, all insurance policies shall specifically designate Town of Riverhead, its agents and employees as additional named insured.

b. The Kinds and Amounts of Insurance Required are as follows:

1) Worker's Compensation

Worker's compensation insurance, in statutory amounts, covering all employees

who are to provide a service under this Agreement. Employer's liability coverage with limits of not less than \$250,000 for each accident or illness shall be included.

2) Commercial Liability (primary and umbrella)

Commercial liability insurance or equivalent with limits of not less than \$2,000,000 per occurrence, combined single limit, for bodily injury, personal injury, and death of passengers and crewmembers off-shore and on-shore and property damage liability, including damage to licensee vessel, other vessels, and docks. Products/completed operation, independent contractor, and contractual liability coverage are to be included.

- c. LICENSEE will furnish the Town, the original certificates of insurance evidencing the required coverage to be in force on the date of this Agreement, and renewal certificates of insurance, or such similar evidence, if the coverage has an expiration or renewal date occurring during the term of this Agreement.
- d. The insurance shall provide for thirty days prior written notice to be given to the Town in the event coverage is substantially changed, cancelled, or nonrenewal.
- e. LICENSEE agrees that insurer shall waive its rights of subrogation against the Town.
- f. LICENSEE expressly understands and agrees that any insurance maintained by the Town shall apply in excess of and not contribute with insurance provided by the LICENSEE under the Agreement.
- g. The Town maintains the right to modify, delete, alter or change these requirements.
- h. LICENSEE shall not occupy the premises licensed under this License until all required insurance is in full force and effect and submitted to the Town.
- i. LICENSEE'S obligation to the Town for any liability, damage or expense by reason of any injury or injuries sustained by anyone to persons or property or loss or property received, done or occurred on or about the premises licensed by LICENSEE shall not be limited by or to the coverage provided in the general liability insurance policy required to be furnished by LICENSEE to the town.
- j. LICENSEE agrees to indemnify and hold the Town of Riverhead and their respective officers, employees, agents, representatives and officials harmless from any and all loss or liability associated with its use of the property and related activities described herein, including liability for damages to property or for injuries or death to persons which may arise from, or be attributable or incident to the use by LICENSEE and its employees, agents, representatives and concessionaires of the property, excepting liability solely caused by the gross negligence of the Town

or its employees, agents or representatives. Without limiting the generality of the foregoing, LICENSEE agrees to indemnify and hold the Town of Riverhead harmless from any lien claimed or asserted for labor, materials or services furnished to LICENSEE in connection with the use of the property. With respect to any suit or claim by the Town, whether under this indemnification provision or otherwise, LICENSEE, for itself, its agents, employees and representatives, hereby expressly waives any defense which might preclude or limit either enforcement of this indemnification clause or any reasonable attorneys fees incurred by the Town of Riverhead securing compliance with the provision of this indemnification agreement. LICENSEE will work with the Town of Riverhead to ensure adequate coverage of all property and liability with all concerned entities being named as "additional insured".

- k. Hurricane – LICENSEE and Town stipulate that the Town is not liable for loss, damage, third party damage or loss to property or person in the event of acts of god, storms, floods, high winds, gales or hurricanes. LICENSEE further agrees to evacuate the property of the Town together with his vessel when so instructed by the Town since no such facility can guarantee/warranty safety in abnormal weather conditions. It shall be LICENSEE's responsibility to remove the vessel in a timely manner at the LICENSEE'S expense without liability to the Town. LICENSEE shall bear total responsibility for damage to and caused by the vessel under these circumstances. If LICENSEE does not cause the vessel to be moved, it is stipulated that the Town may do so, at full cost to LICENSEE, but with no responsibility on its part or on the part of the Town's insurance underwriter, and that such refusal will immediately void this Agreement. LICENSEE agrees that the Town shall not be responsible for any damage or loss which occurs to the vessel from cause beyond the immediate, direct control of the Town. This includes, but is not limited to, actions or negligence of other vessel LICENSEEs or business visitors or guests; failure of utilities, buildings or equipment; extreme weather damage; tidal or wave damage; fire; explosion; dry rot, mildew or inherent vice or defects of any of the vessel's materials or appurtenances; or acts of god. LICENSEE also agrees that the Town shall not be responsible for damage, deterioration, or other loss on the vessel during the term of this Agreement, and that it is the LICENSEE's responsibility, in every instance, to determine how, when and to what extent the vessel shall be maintained, operated, repaired and serviced during the term of this Agreement. Further, it is agreed and stipulated that the services included in this Agreement do not include any type of onsite security, guard services, watchmen, etc., and that the Town shall not be liable to the LICENSEE or vessel for any intrusion, theft, vandalism, arson or other criminal acts of any kind.
- l. LICENSEE's obligation to the Town for any liability, damage or expense by reason of any injury or injuries sustained by anyone to persons or property or loss or property received, done or occurred on or about the premises licensed by the LICENSEE shall not be limited by or to the coverage provided in the general liability insurance policy required to be furnished by the LICENSEE to the Town.

m. LICENSEE and the Town agree that nothing contained in this Agreement is intended, or shall be construed as, creating or establishing a partnership or joint venture between the parties here or as designating the LICENSEE as the agent or representative of the town for any purpose whatsoever.

Article VI.

1. Default Provisions

- a. Any waiver or any breach of covenants contained herein to be kept and performed by LICENSEE, shall not be deemed or considered as a continuing waiver and shall not operate to bar or prevent the Town from proceeding under the provisions of this Agreement.
- b. As set forth above, upon termination of the License, whether caused by lapse of time or otherwise, LICENSEE shall at once surrender possession of the premises. If possession is not immediately surrendered, the Town may take possession of the premises and expel or remove LICENSEE and those claiming by, through, or under it, by force if necessary, without civil or criminal liability.
- c. Upon the breach of any covenant or condition contained herein, the Town shall give written notice to LICENSEE of the breach. LICENSEE agrees that it will remedy the breach within one day. If the breach of any covenant or condition is not cured within the above time, the Town reserves the right to revoke this Agreement and LICENSEE agrees to surrender the premises. Any License fees previously received by the Town shall be retained by the Town as liquidated damages.
- d. LICENSEE shall pay and discharge all costs, expenses, and attorney's fees which might be incurred by the Town in enforcing the covenants of this License Agreement.
- e. The remedies here created are cumulative and the use of one remedy shall not be taken to exclude or waive the right to the use of another remedy.
- f. In the event that the License is granted to more than one individual or other legal entity (or to any combination), then and in that event, each and every obligation or undertaking to be performed by LICENSEE under the License Agreement shall be the joint and several obligation of each such individual or other legal entity.

2. Miscellaneous

Notices to the Town provided for herein may be sent by first class mail, postage prepaid, addressed to the Office of the Town Attorney, 200 Howell Avenue, Riverhead, NY 11901. Notice to LICENSEE provided for here may be sent by first class mail, postage prepaid, addressed to Celtic Quest, Inc., a corporation licensed to do business in the State of New York, with its principal place of business at 21 Waterview Drive, Port Jefferson, NY 11777.

In Witness Whereof, LICENSOR and LICENSEE do hereby execute this License Agreement as of the date and year first above written.

TOWN OF RIVERHEAD

By: _____
Yvette M. Aguiar, Supervisor

CELTIC QUEST, INC.

By: _____
Desmond O'Sullivan

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-270**

**ASSUMES LEAD AGENCY STATUS, ISSUES NEGATIVE DECLARATION
PURSUANT TO SEQRA FOR THE SITE PLAN APPLICATION OF 38 EAST MAIN
STREET 38 EAST MAIN STREET, RIVERHEAD, NY (SCTM NO. 600-129-4-10.1)**

Councilman Kern offered the following resolution,
which was seconded by Councilman Hubbard

WHEREAS, the Town Board is in receipt of a site plan application proposing to develop a 0.06 acre (2,613 sq. ft.) site with a two-story, 4,031 sq. ft. restaurant with lighting, sanitary and drainage improvements; and

WHEREAS, Special Permit approval by the Town Board is no longer required as the site plan proposes a building area of 63%, per revised plans dated January 30, 2022, and does not exceed the maximum permitted building area of 80% as dictated in Chapter 301, Attachment 3 of the Town Code; and

WHEREAS, the project site, identified as SCTM No. 600-129-4-10.1 on a 0.06 acre site located approximately 300 feet south of East Main Street (SR 25), on the north side of a Town of Riverhead parking lot, within the Downtown Center (DC-1) zoning use district; and

WHEREAS, the proposed action is a Type I Action pursuant to SEQRA under Town Code §225-11 B(10) with coordinated review being required; and

WHEREAS, revised plans were received by the Planning Department on February 7, 2022, prepared and stamped by August Henry Muff, RA, with sheets labeled: S2: Zoning Requirements & Notes, S8: Site Plan & Grading Plans; S9: Construction Phasing Plan, S10: Fire Marshal Plan, S11: Lighting Plan, A1: Foundation Plan, A2: First Floor Plan, A3: Second Floor Plan, A4: Roof Plan, A5: South & West Elevations, A6: North & East Elevations, A7: Section A/B & Details; with all sheets having a last revision date of January 30, 2022; and

WHEREAS, by Town Board Resolution No. 2021-761, dated December 7, 2022, the Town Board classified SEQRA action as Type I and initiated coordinated review; and

WHEREAS, no objections have been raised to the Town of Riverhead acting as Lead Agency for the purposes of SEQRA; now, therefore be it

RESOLVED, that the Town Board of the Town of Riverhead assumes Lead Agency status for the coordinated SEQRA review of the aforementioned project; and be it further

RESOLVED, that the Town Board, as Lead Agency, hereby issues a Negative

Declaration pursuant to Environmental Conservation Law Article 8 for the site plan application of 38 East Main Street, as there are no significant negative environmental impacts or significant negative impacts to the health, safety, character, and welfare of the surrounding area; and be it further

RESOLVED, that the Riverhead Town Clerk is hereby authorized to forward a copy of this resolution to August Henry Muff, Architect PLL (augusthmuff@AHMUFF.COM); Robert Castaldi (diannebobc@aol.com); Victor Prusinowski (vicspindoc@aol.com); the Riverhead Sewer Department; the Riverhead Water District; Riverhead Highway Superintendent; the Town Engineer; Community Development Director; Chief Fire Marshal; Assessor's Office; the Riverhead Building Department; the Office of the Town Attorney; and the Town Clerk; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>X</u> Local Law		
B. Title of Proposed Legislation: 38 East Main Street Restaurant SEQRA Lead Agency and Negative Delcaration		
C. Purpose of Proposed Legislation: 38 East Main Street Restaurant SEQRA Lead Agency and Negative Delcaration		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u>X</u>		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p style="margin-left: 20px;">(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Heather Trojanowski	I. Signature of Preparer Heather Trojanowski Heather Trojanowski	J. Date 3/17/22
K. Accounting Staff Name & Title William Rothaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothaar</i> William Rothaar	M. Date 3/29/22

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-271**

**SCHEDULES A PUBLIC HEARING AND AUTHORIZES THE TOWN CLERK TO
PUBLIC AND POST NOTICE FOR A PUBLIC HEARING FOR THE SITE PLAN
APPLICATION OF 38 EAST MAIN STREET, RIVERHEAD, NY (SCTM NO. 600-129-
4-10.1)**

Councilman Hubbard offered the following resolution,
which was seconded by Councilman Beyrodt Jr.

WHEREAS, the Town Board is in receipt of a site plan application proposing to develop a 0.06 acre (2,613 sq. ft.) site with a, 4,031 sq. ft. two-story restaurant with lighting, sanitary and drainage improvements upon real property located at 38 East Main St, Riverhead, New York, also identified as SCTM # 600-129-04-010.01 within the Downtown Center 1 (DC-1) zoning district; and

WHEREAS, a public hearing is required for all site plan applications in accordance with section 274-b of General Municipal Law; and

WHEREAS, the Planning Department has reviewed the application and finds the proposed construction of a non-residential building 4,031 square feet in area to be a located within a Town of Riverhead Historic District a Type I action pursuant to SEQRA under Town Code 225-11 B(10) and recommends the Town Board assume lead agency.

NOW THEREFORE BE IT RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice of public hearing once in the April 14th, 2022 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause the applicant to be post on the subject property the sign board of the Town; and be it further

RESOLVED, the Town Clerk shall provide a certified copy of this resolution to the August Henry Muff, Architect PLL, 14 Pine Court, Riverhead, NY 11901, as agent for the applicant, so that a copy may be included within the required mailings of all properties within 500 feet of the subject parcel; and be it further

RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

<p>A. Type of Legislation Resolution <u>X</u> Local Law</p> <p>Title of Proposed Legislation: Schedules a Public Hearing and Authorizes the Town Clerk to Public and Post Notice for a Public Hearing for the Site Plan Application of 38 East Main Street, Riverhead, NY (SCTM No. 600-129-4-10.1) SCHEDULES A PUBLIC HEARING AND AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST NOTICE FOR A PUBLIC HEARING FOR THE SITE PLAN APPLICATION OF 38 EAST MAIN STREET 38 East Main Street, Riverhead, NY (SCTM No. 600-129-4-10.1)</p>		
<p>B.</p> <p>Purpose of Proposed Legislation: To schedule a public hearing and authorize the town clerk to publish and post notice for a public hearing for the site plan application of 38 East Main Street 38 East Main Street, Riverhead, NY (SCTM No. 600-129-4-10.1)</p>		
<p>C.</p> <p>D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u>X</u></p>		
<p>E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable:</p> <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
<p>F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years</p>		
<p>G. Proposed Source of Funding Appropriation Account to be Charged:</p> <p>Grant or other Revenue Source:</p> <p>Appropriation Transfer (list account(s) and amount):</p>		
<p>H. Typed Name & Title of Preparer: Heather Trojanowski</p>	<p>I. Signature of Preparer</p> <p>Heather Trojanowski Heather Trojanowski</p>	<p>J. Date</p> <p>4/5/2022</p>
<p>K. Accounting Staff Name & Title William Rothhaar, Accounting Department</p>	<p>L. Signature of Accounting Staff</p> <p><i>William Rothhaar</i> William Rothhaar</p>	<p>M. Date</p> <p>4/04/22</p>

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 18th day of May, 2022 at 6:05 p.m. to consider a site plan application for a proposed two-story restaurant, upon real property located at 38 East Main Street, Riverhead, New York, also identified as SSTM # 600-129-04-010.01 within the Downtown Center 1 (DC-1) zoning district. The meeting will also be held electronically via a digital meeting service, with the meeting link and information posted to the Town's website prior to the meeting at www.townofriverheadny.gov.

Dated: April 14, 2022
Riverhead, New York

BY THE ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
DIANE M. WILHELM, Town Clerk

04.05.2022

SCHEDULED

TOWN OF RIVERHEAD

TB Resolution 2022-272

ADOPT TOWN OF RIVERHEAD LOCAL SOLID WASTE MANAGEMENT PLAN UPDATE

Councilman Beyrodt Jr. offered the following resolution,
which was seconded by Councilman Rothwell

WHEREAS, by Resolution #956 adopted on October 8, 2009, the Town Board authorized the Supervisor to execute a professional services agreement with Cashin Associates, PC to draft a Local Solid Waste Management Plan (LSWMP), comprehensive Recycling Analysis, and other services related to solid waste planning and engineering; and

WHEREAS, Cashin Associates, P.C. did submit a draft LSWMP to the New York State Department of Environmental Conservation (NYS DEC) within the time parameters set forth by the NYS DEC and thereafter and over the span of several years the Town Engineering Department and Cashin Associates did work with the NYS DEC to revise the draft LSWMP, adopt changes to Town Code Chapter 273 "Solid Waste Management" and Contract for Residential Solid Waste Collection and Disposal Services; and

WHEREAS, over the years numerous regulations were amended and implemented by the NYS DEC requiring the Town Engineer to begin anew and consult with the NYS DEC on revisions to make certain the draft LWSMP and eventual final LSWMP addressed the changes in laws, rules and regulations impacting solid waste and recycling; and

WHEREAS, the Engineering Department did submit a proposed draft LSWMP and later final LSWMP for consideration by the NYS DEC and by letter dated December 17, 2021, the NYS DEC determined that the Town's LSWMP provides substantive consideration of the elements set forth in New York State Environmental Conservation Law, (Section 27-0107) and the State's Solid Waste Management Facilities regulations (6 NYCRR Part 366-2), and constitutes an approvable plan with final approval granted upon filing of a complete, stand-alone final LSWMP which contains all revisions to the draft LSWMP resulting from department review and as required by 6 NYCRR 366-4.1, a certified resolution from the Town stating: 1) that the LSWMP is adopted by the Town, 2) that the Town will implement and maintain the solid waste management system as described in the final LSWMP and 3) that the Town will submit biennial updates; and

WHEREAS, pursuant to 617.4 (b)(1) of SEQRA, the adoption of a Solid Waste Management Plan is a Type 1 action;

WHEREAS, on June 2, 2021 the Town of Riverhead Town Board adopted Resolution 2021-378, initiated coordinated review to involved agencies requesting they assume Lead Agency status; and

WHEREAS, no involved agencies requested to be Lead Agency; and

WHEREAS, the Planning Department has prepared the Environmental Assessment Forms Parts 1, 2, and 3 finding the adoption of the LSWMP will have no significant adverse environmental impacts. Now, therefore, be it

RESOLVED, that the Town of Riverhead Town Board assumes Lead Agency Status for the purpose of SEQRA; and be it further

RESOLVED, that the Town of Riverhead Town Board, as Lead Agency, finds the adoption of the LSWMP will result in no significant adverse environmental impacts and be it further

RESOLVED, that as required by 6 NYCRR 366-4.1, the LSWMP is hereby adopted by the Town of Riverhead; and be it further

RESOLVED, that the Town of Riverhead through its Engineering Department will implement and maintain the solid waste management system as described in the final LSWMP; and

RESOLVED, that the Town of Riverhead through its Engineering Department will submit biennial updates; and

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to hereby directed to forward copies of this resolution to Town of Riverhead Water District, the Financial Administrator and the Office of the Town Attorney; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>XXX</u> Local Law		
B. Title of Proposed Legislation: Adopt Town of Riverhead Local Solid Waste Management Plan Update Adopt Town of Riverhead Solid Waste Management Plan Update		
C. Purpose of Proposed Legislation:		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u>XXX</u>		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p style="margin-left: 20px;">(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
<p>G. Proposed Source of Funding Appropriation Account to be Charged:</p> <p>Grant or other Revenue Source:</p> <p>Appropriation Transfer (list account(s) and amount):</p>		
H. Typed Name & Title of Preparer: Karen Occhiogrosso	I. Signature of Preparer <u>Karen Occhiogrosso</u> Karen Occhiogrosso	J. Date 1/24/22
K. Accounting Staff Name & Title	L. Signature of Accounting Staff	M. Date

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-273**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 301 ARTICLE LVI ENTITLED
"SITE PLAN REVIEW" CHAPTER § 301-305 OF THE RIVERHEAD TOWN CODE**

Councilman Rothwell offered the following resolution,
which was seconded by Councilman Kern

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 301 Article LVI entitled, "Site Plan Review" Chapter §301-305 of the Riverhead Town Code once in the April 14, 2022 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>XXX</u> Local Law		
B. Title of Proposed Legislation: Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Article LVI Entitled "Site Plan Review" Chapter § 301-305 of the Riverhead Town Code AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 301 ARTICLE LVI ENTITLED "SITE PLAN REVIEW" CHAPTER § 301-305 OF THE RIVERHEAD TOWN CODE		
C. Purpose of Proposed Legislation:		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u>XXX</u>		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p style="margin-left: 20px;">(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Karen Occhiogrosso	I. Signature of Preparer Karen Occhiogrosso Karen Occhiogrosso 4/5/2022	J. Date 3/14/22
K. Accounting Staff Name & Title William Rothaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothaar</i> William Rothaar	M. Date 3/29/22

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC
HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 3rd day of May, 2022 at 2:00 o'clock p.m. to amend Chapter 301, Article LVI entitled "Site Plan Review" Chapter §301-305 of the Riverhead Town Code.

Be it enacted by the Town Board of the Town of Riverhead as follows:

**CHAPTER 301
Zoning and Land Development
Article LVI "Site Plan Review" Chapter §301-305**

301-305 G. Fees.

(2) For each site plan application submitted to the Planning Department under the provisions of this chapter, the review fee shall be \$500, plus \$0.10 per square foot of site improvements and/or altered area, whichever is greater, or \$500, plus \$0.10 per square foot of gross floor area (cumulative total of all floors) or altered land area, whichever is greater. The fee to review an application to amend a previously approved site plan shall be \$500. In no instance shall a site plan review exceed \$30,000, except and exclusive of fees described in (3) below. For either a preliminary site plan application or final site plan application to be deemed complete, the appropriate fee must be paid. No review of a preliminary site plan or final site plan shall be undertaken until the appropriate fee is paid.

(3) In addition to the above required fee, the Planning Board and/or Town Board, as the case may be, may require the applicant to pay or reimburse the Town for payment of out-of-pocket expenses incurred by the Town in studies and/or by retainer of expert advisors related to review, hearing and determination of such application. To impose such additional fee, the Planning Department on behalf of the Planning Board or Town Board must provide the applicant with written notice of its intent to conduct such studies and/or retain expert advisors. Said notice shall describe the need, scope and cost estimate of the work to be completed. All fees related to costs for preparing or review of draft or final environmental impact statements shall comply with 6 NYCRR 617.13.

(3) (4) Revisions to a site plan or to elevations which significantly change the character or appearance of the project or which occur after the issuance of a certificate of occupancy shall require resubmission of an amended site plan and shall be charged accordingly.

- Underscore represents additions(s)
- Overstrike represents deletion(s)

Dated: Riverhead, New York
April 5, 2022

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
DIANE M. WILHELM, TOWN CLERK**

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-274**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 301 ZONING AND LAND
DEVELOPMENT PART 2. DISTRICTS ARTICLE XXIX. ENTITLED “DOWNTOWN
CENTER 1: MAIN STREET (DC-1) ZONING USE DISTRICT” OF THE RIVERHEAD
TOWN CODE**

Councilman Kern offered the following resolution,
which was seconded by Councilman Hubbard

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 301 Zoning and Land Development Part 2. Districts Article XXIX. Entitled “Downtown Center 1: Main Street (DC-1) Zoning Use District” Of The Riverhead Town Code Once in the April 14th, 2022 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

<p>A. Type of Legislation Resolution <u>XXX</u> Local Law</p>		
<p>B. Title of Proposed Legislation: Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Zoning and Land Development Part 2. Districts Article XXIX. Entitled "Downtown Center 1: Main Street (DC-1) Zoning Use District" of the Riverhead Town Code AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 301 ZONING AND LAND DEVELOPMENT CHAPTER 301. ZONING AND LAND DEVELOPMENT PART 2. DISTRICTS ARTICLE XXIX. ENTITLED "DOWNTOWN CENTER 1: MAIN STREET (DC-1) ZONING USE DISTRICT" OF THE RIVERHEAD TOWN CODE</p>		
<p>C. Purpose of Proposed Legislation:</p>		
<p>D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u>XXX</u></p>		
<p>E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable:</p> <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or</p> <p>(b) The description/explanation of fiscal impact is set forth as follows:</p>		
<p>F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years</p>		
<p>G. Proposed Source of Funding Appropriation Account to be Charged:</p> <p>Grant or other Revenue Source:</p> <p>Appropriation Transfer (list account(s) and amount):</p>		
<p>H. Typed Name & Title of Preparer: Karen Occhiogrosso</p>	<p>I. Signature of Preparer</p> <p>Karen Occhiogrosso Karen Occhiogrosso 4/5/2022</p>	<p>J. Date 3/25/22</p>
<p>K. Accounting Staff Name & Title William Rothhaar, Accounting Department</p>	<p>L. Signature of Accounting Staff</p> <p><i>William Rothhaar</i> William Rothhaar</p>	<p>M. Date 4/04/22</p>

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held before the Town Board of the Town of Riverhead, at 200 Howell Avenue, Riverhead, New York on the 3rd day of May, 2022 at 2:05 p.m. to amend Chapter 301 of the Riverhead Town Code entitled, "ZONING AND LAND DEVELOPMENT" as follows:

Chapter 301. Zoning and Land Development

Part 2. Districts

Article XXIX. Downtown Center 1: Main Street (DC-1) Zoning Use District

§301-140 Purpose and intent.

The intent of the Downtown Center 1: Main Street (DC-1) Zoning Use District and as detailed and exemplified in the Downtown Riverhead Pattern Book final version dated January 12, 2021 and adopted by Town Board Resolution 60 adopted on January 20, 2021, is to allow, maintain, and foster a traditional downtown character along Main Street, with a pedestrian-friendly streetscape, active ground-floor uses open to the public and generating many visits, in particular pedestrian visits, over an extended period of the day, a twenty-four-hour presence from upper-story residential, with a compact, walkable scale.

§ 301-142. Lot, yard, bulk and height requirements. Dimensional, Development and Design Standards (including, height, lot coverage, floor area ratio, and mass and design).

No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified. The following dimensional, development and design standards set forth in §142 A. Building Height, Set Backs, Lot and Roof Coverage, and Floor Area Ratio; B. Building Mass & Design set forth below shall apply to development within the DC-1 Zoning District.

A. Building height, Set Backs, Lot and Roof Coverage, and Floor Area Ratio.

(1) Height: Building Height shall not exceed 4 stories or 50' maximum.

(2) Street Setbacks (frontage): minimum setback is equal to adjacent building(s) setbacks on the same block frontage; 13' minimum from the face of curb encouraged to allow for outdoor dining and/or displays; maximum 3' offset from adjacent building(s); and 13' minimum setback from face of curb where there are no buildings on adjacent lots, including facing the Peconic River.

(3) Street Setback (side street, side yard, and rear street): 0' minimum, however, for lots located along a side street projects are encourage to provide a minimum 8-foot wide pedestrian sidewalk.

(4) Lot Coverage: 100% maximum.

(5) Green Roof Coverage (green roof is a layer of vegetation planted over a waterproofing system that is installed on top of a flat or slightly-sloped roof and also known as vegetative or eco-roofs): 40% minimum of the lot area. Note, if the building coverage is less than 100% of the lot area, then ground floor open space may count towards meeting the 40% minimum.

(6) Floor Area Ratio: Floor Area Ratio 3.5 maximum

(7) Permitted Encroachments: Signage, lighting, awnings, canopies, upper story bay windows, and balconies may encroach into the front yard and past rights-of-way so long as they maintain an 8' clear space above the sidewalk and extend no more than 2' from the property line.

B. Building Mass & Design

(1) Building Stepbacks: 45° above the 3rd story, measured from the top of 3rd floor parapet (or where the 3rd story parapet would be if not included). This applies to addresses along Main Street, the Peconic River, side streets, open spaces (such as East End Arts), and freestanding-historical structures.

(2) Facades longer than 60' along any street shall use one of the following architectural elements at a minimum of 60' to break down the scale of a building: bay windows, parapets or distinct roof forms, changes in wall plane, or balconies.

(3) Facades of commercial buildings that face sidewalks or pedestrian walkways shall be required to have variations in facade plane, piers, or other architectural features.

(4) Changes in massing or form, if employed in increments of less than 60', shall only be used to differentiate ground-story tenants, emphasize building entries, or delineate service areas.

(5) Changes in wall plane shall be a minimum of 8" to create a sense of depth and shadow.

(6) Buildings shall have a distinct base, middle, and top. One or more of the following elements shall be used to achieve this: material changes, horizontal banding, distinct window patterns.

(7) Changes in material shall only occur at inside corners.

(8) Above the first story, walls shall not be composed of greater than 50% glass or contain glass curtain walls.

(9) Ground Level Activation: Parking is not permitted in the first 20' of the ground story facing Main Street and the first 20' adjacent to streets along the Peconic River.

(10) Roofs shall be pitched or flat with a parapet.

(11) A storefront shall have a door that accesses the primary street.

(12) Storefronts shall utilize the full height of the ground floor facade or a minimum of 14' in height, whichever is greater.

(13) Storefront glazing shall constitute a minimum of 70% of the facade to the top of the first floor ceiling for non-residential uses.

(14) Storefront entrances shall be clearly distinguished from those entrances serving floors above.

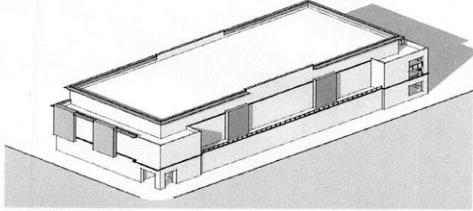
(15) Multiple storefronts within the same building shall be compatible in scale and alignment, but distinguishable from one another using windows, color, signage, or awnings.

- (16) Entries shall be emphasized with awnings, signage, a change in plane, or a change in the window or door pattern.
- (17) Lighting shall be mounted and down-firing in order to prevent dark sky intrusion.
- (18) Window patterns and doors shall be consistent with the style of the building.
- (19) Windows shall not be flush with the exterior wall surface, but inset a minimum of 1".
- (20) Storefront windows shall be larger near the street, and all other windows shall be smaller and regularly composed on upper floors.
- (21) Window patterns above the first floor shall relate to storefronts below as well as the roof forms above.
- (22) Windows above the first floor shall be at least as tall as they are wide in order to emphasize vertical proportions.
- (23) Windows may not be obscured more than 10% by opaque banners, or either permanent or temporary advertisements or signs.
- (24) Residential units shall have at least one operable window.
- (25) Doors for non-residential uses shall be a minimum of 70% glazing.
- (26) Zero Net Energy: ZNE standards is strongly encouraged and are required to be incorporated into the project, including the use of solar panels on roof tops and geothermal heating systems in order to achieve ZNE to the maximum extent practical.

C. Illustrations of Building Mass and Design Standards

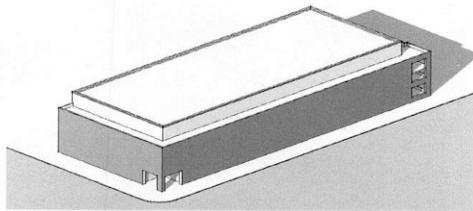
BUILDING DEVELOPMENT STANDARDS

SIMPLE MASSING



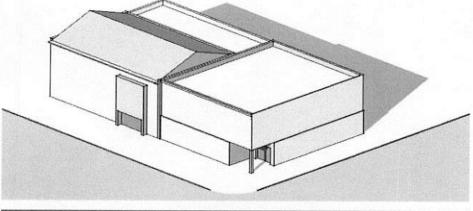
STANDARD

Facades longer than 60' along any street shall use one of the following architectural elements at a minimum of 60' to break down the scale of a building: **bay windows, parapets or distinct roof forms, changes in wall plane, or balconies.**



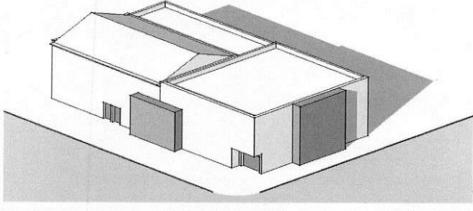
AVOID

Facades longer than 60' that are devoid of: **bay windows, parapets or distinct roof forms, changes in wall plane, or balconies** are prohibited.



STANDARD

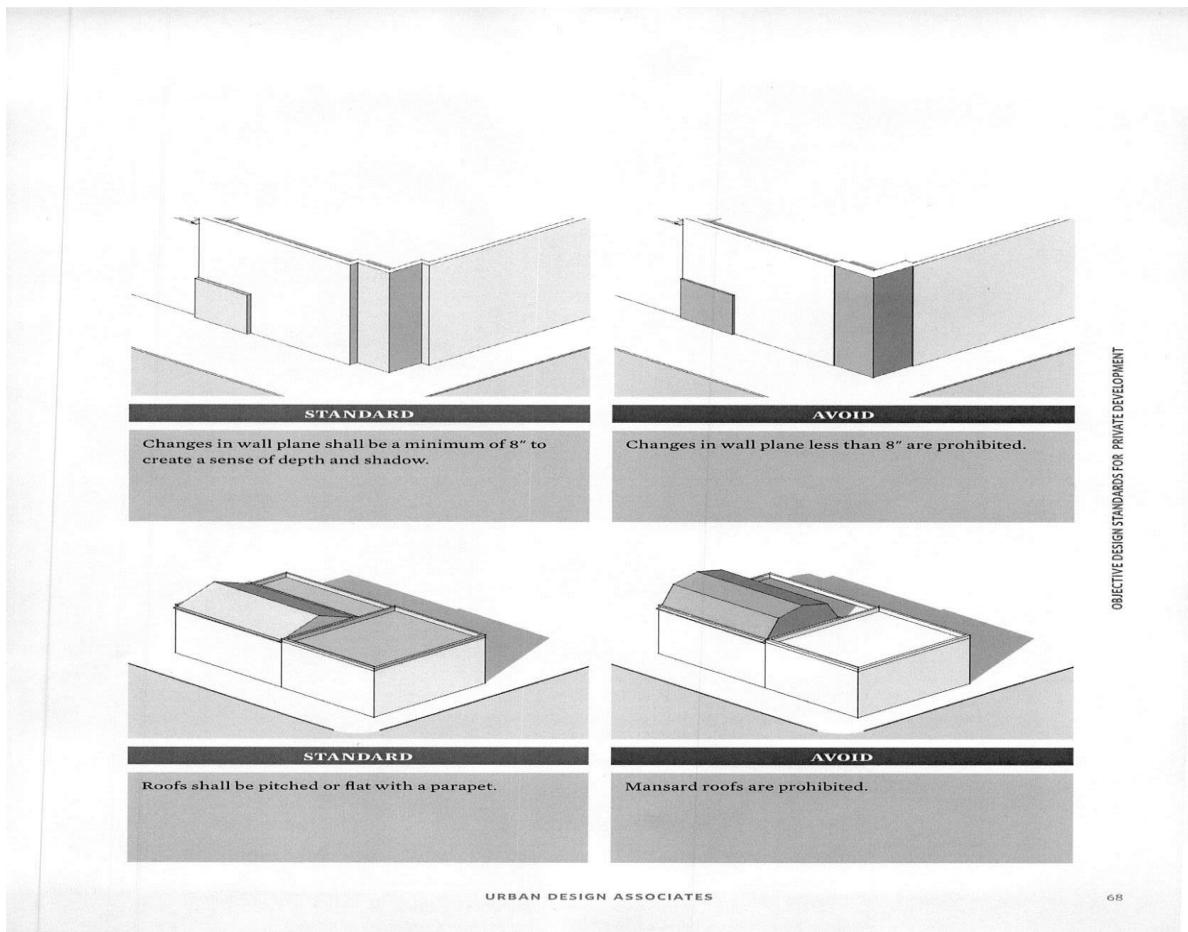
Changes in massing or form, if employed in increments of less than 60', shall only be used to differentiate ground-story tenants, emphasize building entries, or delineate service areas.



AVOID

Changes in massing or form, if employed increments of less than 60', that do not correspond to storefronts, emphasize building entries, or delineate service areas are prohibited.

67 DOWNTOWN RIVERHEAD PATTERN BOOK



THREE-PART VERTICAL COMPOSITION (PLUS)

STANDARD

Buildings shall have a distinct base, middle, and top. One or more of the following elements shall be used to achieve this: **material changes, horizontal banding, distinct window patterns.**

AVOID

Buildings with no distinct, base, middle, and top are prohibited.

STANDARD

Changes in material shall only occur at inside corners.

AVOID

Changes in material that occur at outside corners are prohibited.

69 DOWNTOWN RIVERHEAD PATTERN BOOK

STANDARD

Entries shall be emphasized with awnings, signage, a change in plane, or a change in the window or door pattern.

AVOID

Entries that do not employ awnings, signage, a change in plane, or a change in the window or door pattern to emphasize an entry are prohibited.

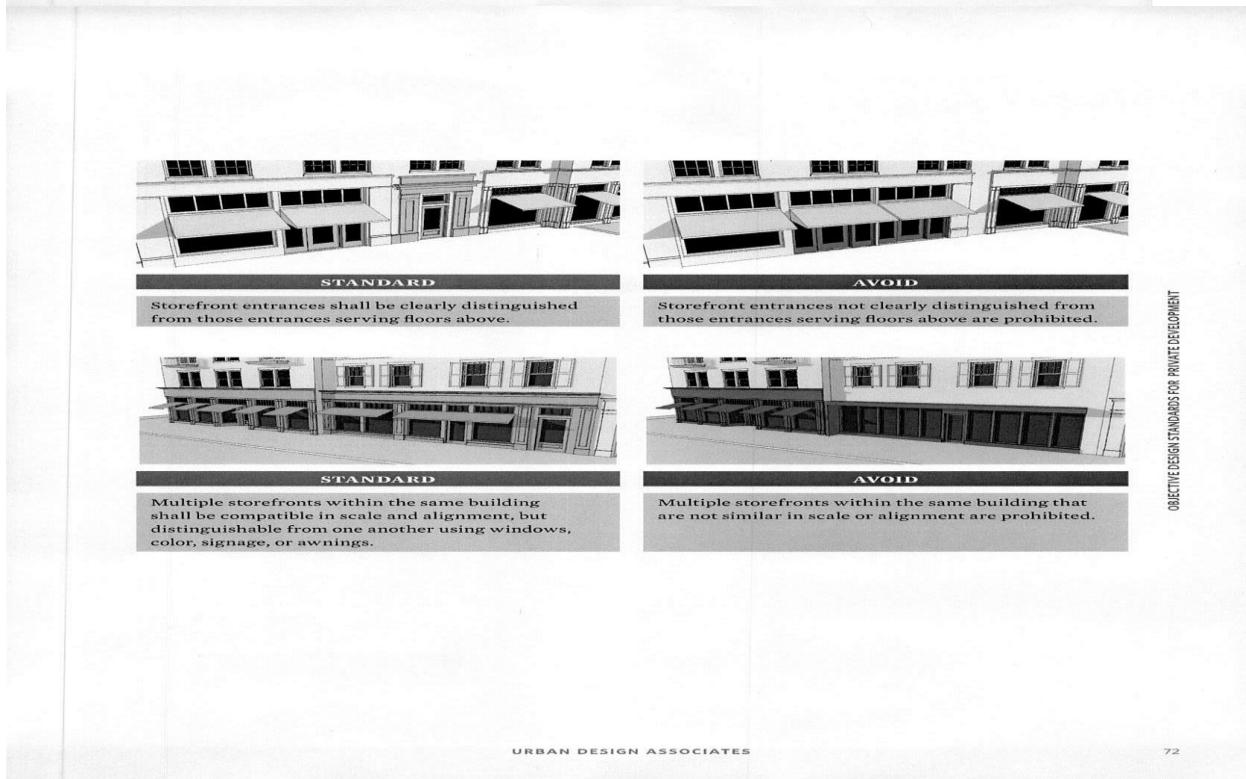
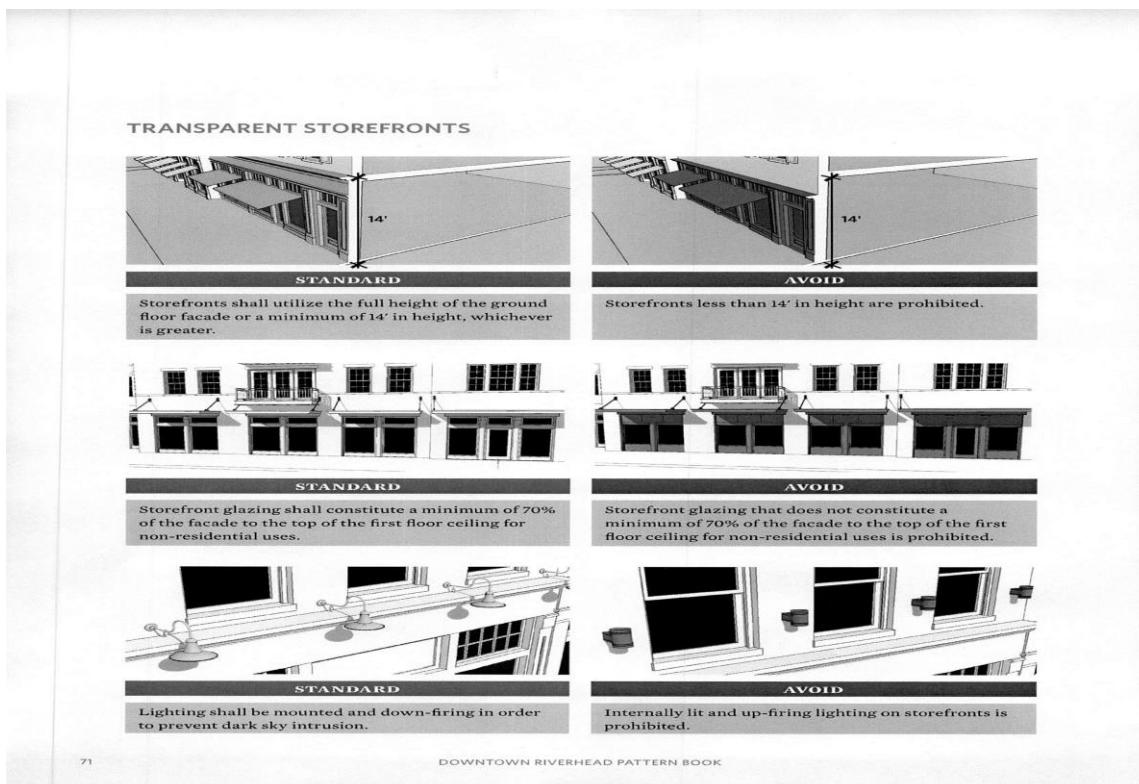
STANDARD

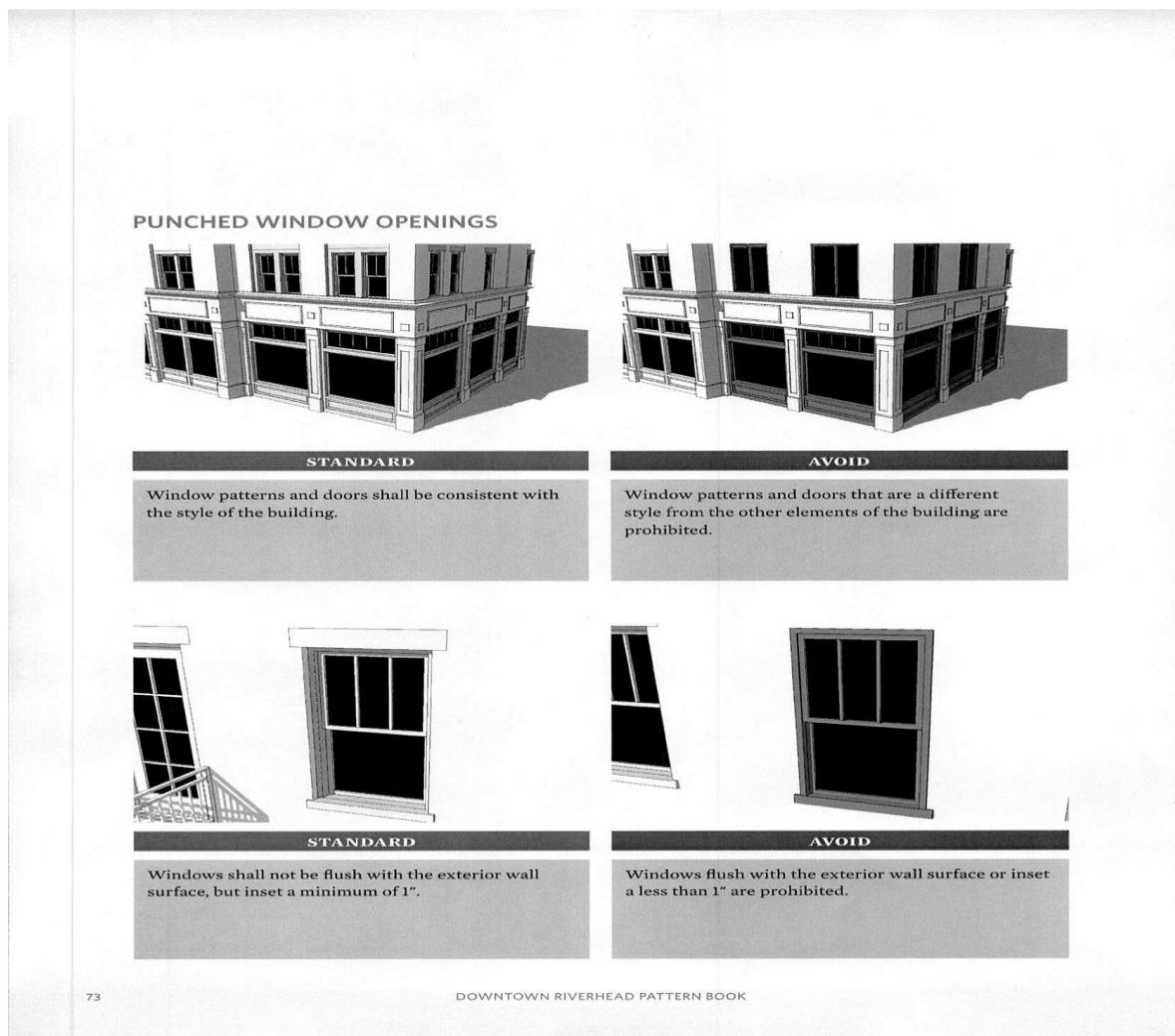
Above the first story, walls shall not be composed of greater than 50% glass or contain glass curtain walls.

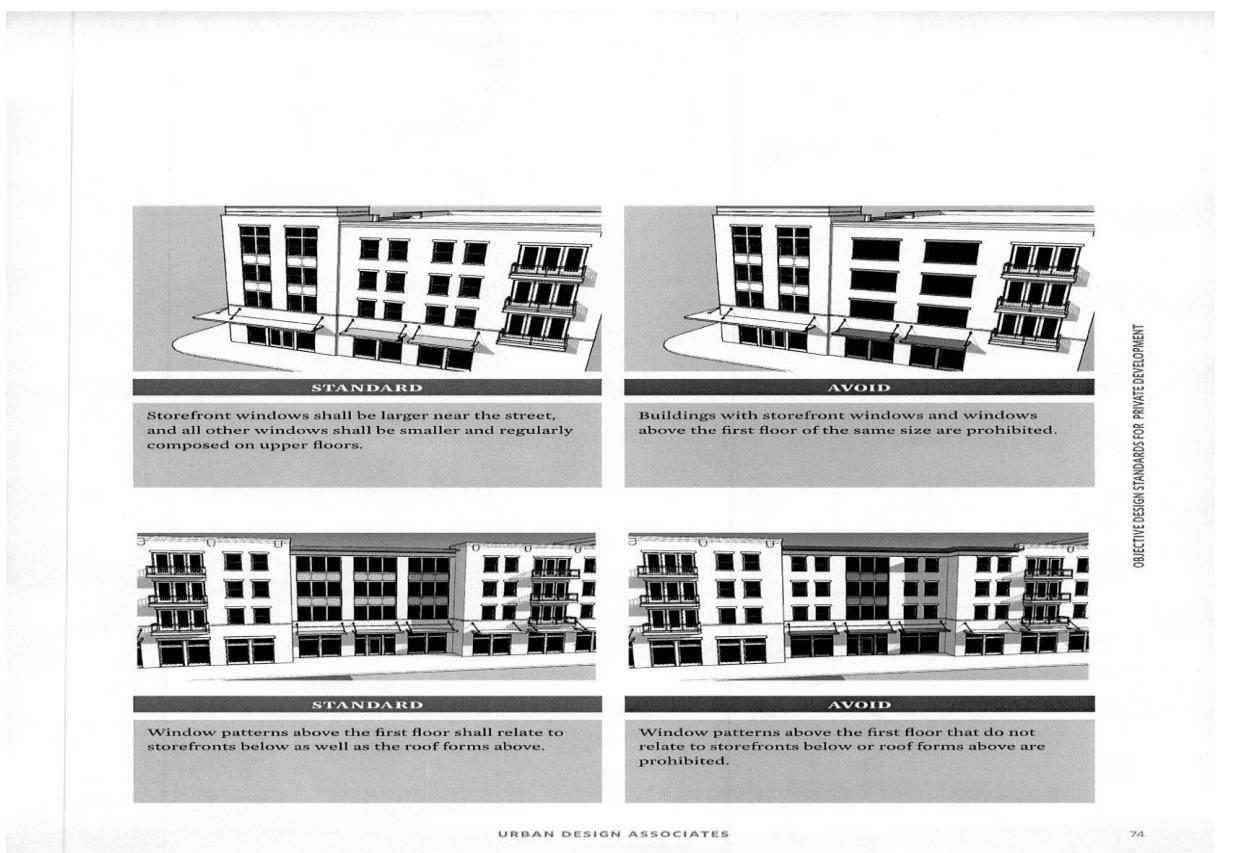
AVOID

Above the first story, walls composed of greater than 50% glass or glass curtain walls are prohibited.

URBAN DESIGN ASSOCIATES 70 OBJECTIVE DESIGN STANDARDS FOR PRIVATE DEVELOPMENT

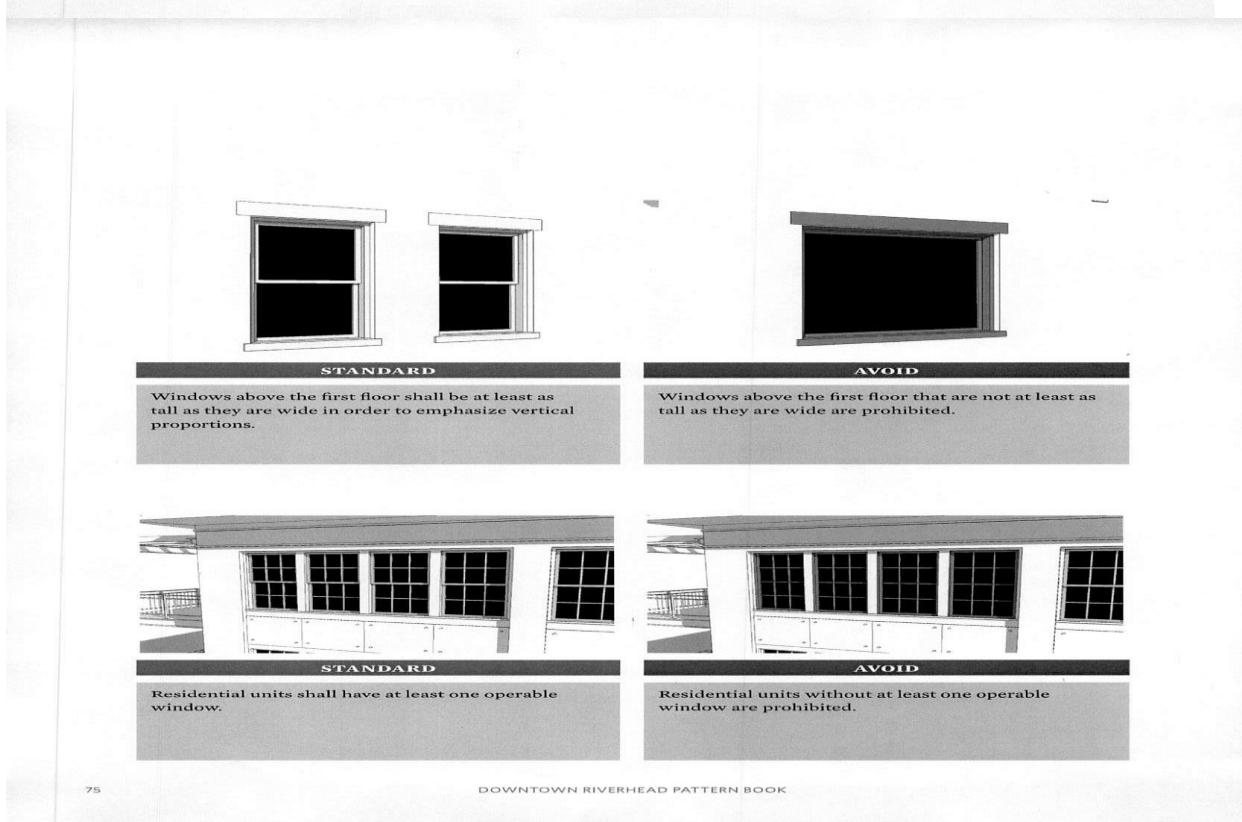


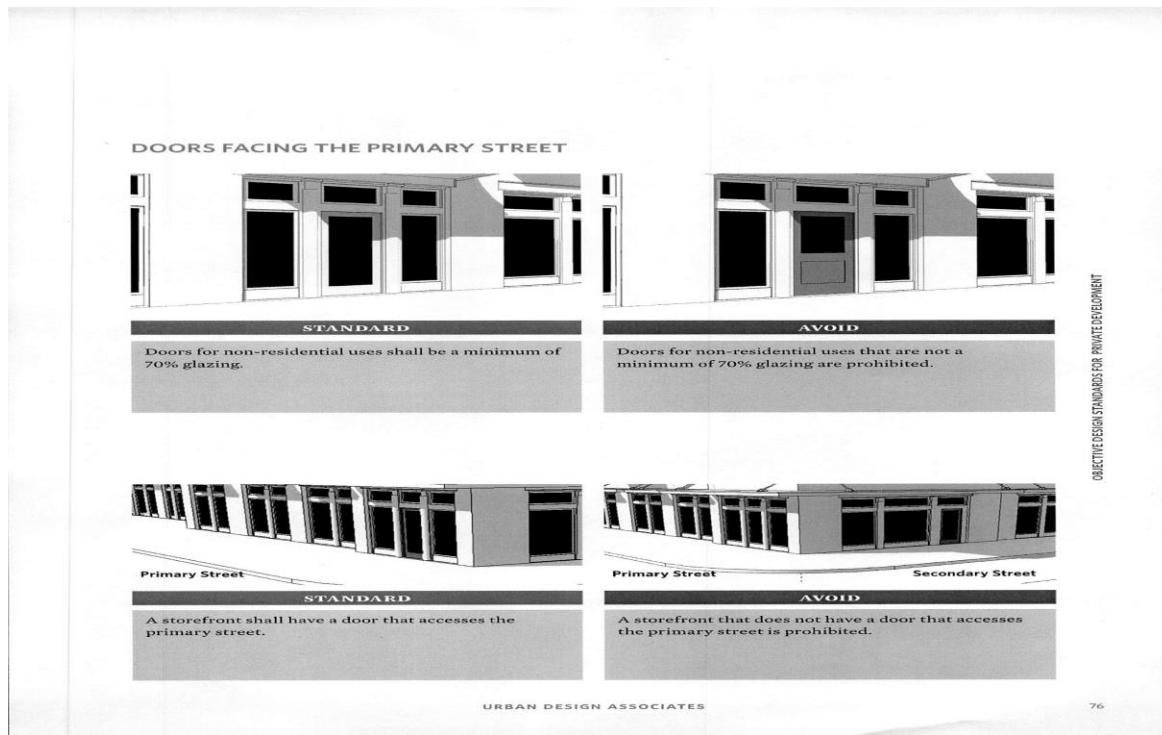




OBJECTIVE DESIGN STANDARDS FOR PRIVATE DEVELOPMENT

74





§ 301-143 Supplementary guidelines.

~~The In addition to the dimensional, development and design standards set forth above in §301-142, §301-142 (A) and (B), together with the illustrations set forth in §301-142(C), the following pedestrian and public amenity design, building and construction materials and elements, buffer and parking standards listed in the provisions below (Subsections A and B through E of this section) are intended as a guide or measure for improvements in parcels in this zoning district, and the word "shall" recited in the provisions below, with the exception of Subsection B(1) D (2) which requires adherence to the Parking Schedule, is intended to obtain compliance with the provisions to the extent practicable as determined by the Board responsible for review.~~

A.

Design standards.

(1)

~~The principal building entrance and front shall face the primary street frontage and sidewalk. Secondary building entrances on the south side of Main Street shall face the Peconic Riverfront.~~

(2)

~~At least 75% of linear width of the front facade shall be comprised of transparent windows. Where shade is desired, awnings are encouraged. Windows may not be obscured more than 10% by opaque banners, or either permanent or temporary advertisements or signs.~~

(3)

~~Building shape, massing, and siting should reflect the prevalent character of surrounding buildings on the block.~~

(4)

~~Facades of commercial buildings that face sidewalks or pedestrian walkways shall be required to have variations in facade plane, piers, or other architectural features.~~

A.

Pedestrian And Public Amenity Design.

The Pattern Book identifies that the key to success of Main Street is active storefronts, safe pedestrian friendly passages, open space, and cohesive circulation patterns, be it vehicular, pedestrian or bicycle circulation. The recommendations include but are not limited to the following described in (1)-(7) below.

- (1) Create distinction between strictly pedestrian versus vehicular traffic.
- (2) Improve passages between buildings with lighting, benches, planters, outdoor seating, murals, sculptures and other public art.
- (3) Avoid creation of narrow passages or cannon like feeling and buildings are encouraged to have entrances and/or windows that open onto the passage to engage the public realm and provide public interest.
- (4) Avoid obstructed sightlines in passages and around building corners.
- (5) Provide adequate lighting on sidewalks, passage ways, parking lots and in public spaces to create a safe and cohesive environment.
- (6) Create public gathering spaces and integrate and active open space to the Peconic River and Town Square.
- (7) Signage in the DC-1 Zoning Use District shall be provided in accordance with Article XLVIII, Signs, of this chapter.

B. Building and Construction Materials and Elements.

While more than a single style is appropriate for development in the DC-1 Zoning District, the Pattern Book describes and identifies recommended or acceptable building and construction materials and elements, including but not limited to, preferred or acceptable materials for foundations, walls, siding, trim, eaves and parapets, and columns are highlighted in (1)-(16) below. The list of recommendations are set forth in the Pattern Book at pp. 77-78 with pictorial examples.

- (1) Foundations: Foundations shall be stone, brick, or parged concrete with a smooth finish.
- (2) Walls: Walls may be one of following materials listed below:
 - (3) Siding: wood, synthetic wood, or smooth fiber cement siding.
 - (4) Shakes: Wood, synthetic wood, or fiber cement siding.
 - (5) Panels: Synthetic or fiber cement panels.
- (6) Masonry: Extruded or molded brick with minimal variation in color, stone, cast stone, synthetic stone only if in a horizontal pattern, or stucco.
- (7) Windows and Doors: Windows shall be square or vertical in proportion and may be fixed, single-hung, double-hung, casement, awning, or hopper. The frame should be wood, wood-clad, cellular PVC, steel, or aluminum. Doors should be aluminum, steel, vinyl, painted or stained wood or fiberglass. Glazing shall be clear glass.
- (8) Eaves and Parapets: Eaves should be a consistent depth on all sides of a particular building and parapets should effectively hide the roof, mechanical equipment, vents, and other service elements of the building. Particular detail should be paid to the underside of

the eave as it is highly visible to the pedestrian below on the narrow sidewalks of Downtown Riverhead.

(9) Trim: Wood, synthetic wood, or cellular PVC. Frieze boards shall be flush with corner boards.

(10) Brackets: If used they should be wood, synthetic wood, or cellular PVC and match the material of the frieze board. They shall extend to the face of the eave.

(11) Columns: Columns, piers, and pilasters should be consistent with the style of the building and should be wood, fiberglass, steel, or aluminum.

(12) Roofs: Roofs shall be pitched or flat with a parapet. If the primary roof is sloped it should be asphalt shingle, slate, or synthetic slate. In addition to the materials listed above secondary roofs, such as porches, stoops, and bays, may be 5-V metal crimp roof. It should be standing seam with flat panes between primary ribs with no striations.

(13) Building Accessories Elements, like gutters and balconies that vary broadly with style are listed in this section.

(14) Gutters and downspouts: They should be strategically placed to be minimally visible from a front-on view of the building, but when used they should be placed to cover control or expansion joints in a masonry veneer facades or near corners. They should be painted to match the surface to which they are affixed. They may be cooper, primed or prefinished metal, or zinc.

(15) Balconies: They may be steel, iron, or wrapped in one of the trim materials listed in the eaves and parapets section.

(16) Dormers: They should be wood, synthetic wood, or smooth fiber cement siding when. They may only be masonry if they are a continuation of the wall below in the same material.

C. Buffering and transitions.

(a)

Trash and/or dumpster areas shall be screened by wood fences or landscaping, or a combination thereof pursuant to § 245-8.

(b)

Buffer plantings or landscaping or opaque fences, preferably wood fences, shall be provided between commercial businesses and adjoining residential uses.

(c)

Deliveries and loading activities shall, to the extent possible, be restricted to the hours between 8:00 a.m. and 5:00 p.m. on weekdays.

D.

Parking & Vehicle Access and Parking standards.

1. Parking and Vehicle Access: Parking & Vehicle ingress and egress shall be taken from an alley where the condition exists. Parking is not permitted in the first 20' of the ground story facing Main Street and the first 20' adjacent to streets along the Peconic River.

(7)

Curb cuts to parking lots and garages shall be minimized by sharing driveways for access to adjacent parking lots. However, curb cuts and driveways are prohibited along the front

property line for properties less than 30 feet in width; in these situations, parking must be accessed from a rear alley, side street, or shared rear lot.

CE.

Storefronts and facade standards. The storefronts and facades of building(s)/structure(s) shall be maintained in a way that does not provide evidence of vacancy. The interiors, when visible to passersby through storefront windows, shall be maintained in a way that does not exhibit evidence of vacancy. Any storage within the building(s)/structure(s) shall be concealed by means of storefront and/or window decor, displays, etc. Spray painting or frosting windows is not an acceptable means by which an owner of property may conceal that which is within.

301-143A Grandfather Provision:

The Town and Community Development Agency, by designation of the East Main Street corridor (along the north and south side of Main Street east of Peconic Avenue and hereinafter after referred to as "EMSURA") as an urban renewal area (General Municipal Laws Article 15 and 15A), numerous public meetings and resolutions relating to creation and funding of a Town Square with investment of significant Town and grant funding, more than two year study and public presentations and meetings relating to the Pattern Book to guide downtown development and three year long study related to the Downtown Parking Study, have clearly evidenced and demonstrated its commitment to restore the economic vitality to the Downtown Business District. The code changes reflected in 301-140 through 301-143 reflect the goals of the Town and Community Development Agency and those identified in the Pattern Book adopted by Resolution #60 on January 20, 2021 and Downtown Parking Study adopted by Resolution #277 on June 16th, 2022 and as such shall apply to every special permit, site plan, and commercial development or redevelopment of commercial property located within the DC-1 Zoning District, except those applications for site plan, special permit, or commercial development and redevelopment of property less than 40,000 sq. feet filed on or before January 20, 2021 and said applicants participated in one or a series of presubmission conferences and as a result of said conferences submitted modified and amended plans and designs by licensed engineer and architect to meet recommendations of presubmission conference(s) shall be exempt from 301-142 A(1), A(5) and B(1) however, as to 301-142 A(5) and B(1) applicant shall demonstrate reasonable efforts to comply with these provisions and achieve as reasonably practical compliance with these provisions, and all other provisions recited above shall apply with full force and effect.

Dated: Riverhead, New York
April 5, 2022

- * Underline represents addition(s)
- * Overstrike represents deletion(s)

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 3rd day of May, 2022 at 2:05 o'clock p.m. to amend Chapter 301, entitled "Chapter 301. Zoning and Land Development Part 2. Districts Article XXIX. Downtown Center 1: Main Street (DC-1) Zoning Use District" of the Riverhead Town Code.

Due to the length of the amendment, which includes repealing and replacing text and which is voluminous, a copy of the entire text of the proposed local law and the provisions of the existing law to be repealed and replaced may be reviewed at the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York 11901, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday and can be accessed on the Town of Riverhead website at: www.townofriverheadny.gov under the Agenda and Minutes for the March 16, 2022 Town Board Meeting.

Dated: Riverhead, New York
April 5, 2022

**BY THE ORDER OF THE TOWN BOARD OF
THE TOWN OF RIVERHEAD**

DIANE M. WILHELM, Town Clerk

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-275**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 301 ENTITLED "CHAPTER 301
ZONING AND LAND DEVELOPMENT, ATTACHMENT 3 "COMMERCIAL DISTRICTS
SCHEDULE OF DIMENSIONAL REGULATIONS" OF THE RIVERHEAD TOWN
CODE**

Councilman Hubbard offered the following resolution,
which was seconded by Councilman Beyrodt Jr.

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 301 entitled " Chapter 301 Zoning and Land Development, Attachment 3 "Commercial Districts Schedule of Dimensional Regulations" of the Riverhead Town Code once in the April 14, 2022 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>XXX</u> Local Law		
B. Title of Proposed Legislation: Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Entitled "Chapter 301 Zoning and Land Development, Attachment 3 "Commercial Districts Schedule of Dimensional Regulations" of the Riverhead Town Code Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Entitled "Chapter 301 Zoning and Land Development, Attachment 3 "Commercial Districts Schedule of Dimensional Regulations" of the Riverhead Town Code		
C. Purpose of Proposed Legislation:		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u>XXX</u>		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or</p> <p>(b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
<p>G. Proposed Source of Funding Appropriation Account to be Charged:</p> <p>Grant or other Revenue Source:</p> <p>Appropriation Transfer (list account(s) and amount):</p>		
H. Typed Name & Title of Preparer: Karen Occhiogrosso	I. Signature of Preparer Karen Occhiogrosso Karen Occhiogrosso	J. Date 3/30/22
K. Accounting Staff Name & Title William Rothhaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothhaar</i> William Rothhaar	M. Date 4/04/22

TOWN OF RIVERHEAD NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 3rd day of May, 2022 at 2:10 o'clock p.m. to amend Chapter 301 Attachment 3 "Commercial Districts Schedule of Dimensional Regulations" of the Riverhead Town Code.

Be it enacted by the Town Board of the Town of Riverhead as follows:

CHAPTER 301**Zoning and Land Development****Attachment 3 "Commercial Districts Schedule of Dimensional Regulations"**

301 Attachment 3
Town of Riverhead

Commercial Districts Schedule of Dimensional Regulations

[Added 10-5-2004; amended 10-12-2004; 10-21-2004; 11-3-2004; 11-16-2004; 12-29-2004 by L.L. No. 57-2004; 8-2-2005 by L.L. No. 44-2005;
9-6-2006 by L.L. No. 35-2006; 3-15-2011 by L.L. No. 7-2011; 6-7-2016 by L.L. No. 18-2016; 12-4-2018 by L.L. No. 24-2018]

Zoning Use District	Minimum Lot Area (square feet)	Minimum Lot Width at Front Street (feet)	Building Lot Coverage (Footprint)			Maximum Impervious Surface	Maximum Height of Buildings (feet)	Floor Area Ratio (FAR)			Minimum Front Yard Depth (feet)	Side Yards, Interior Lots		Side Yards, Corner Lots		Minimum Rear Yard Depth (feet)	
			Maximum Without Sewer	Maximum With Sewer	Maximum With Transfer of Development Rights			Maximum Without Sewer	Maximum With Sewer	Maximum With Transfer of Development Rights		Minimum Depth for Each (feet)	Minimum Combined Depth for 2 Sides (feet)	Minimum Depth Facing Side Street (feet)	Minimum Combined Depth for 2 Sides (feet)		
Downtown Center 1: Main Street (DC-1)	5,000	50	N/A	80% ^(N12) N14	N/A	100% N14	60 ^{(N1)(N2)} N14	N/A	4.00 ^(N13) N14	N/A	0 N14	0 N14	0 N14	0 N14	0 N14		
Downtown Center 2: Waterfront (DC-2)	5,000	50	N/A	35%	N/A	50%	35	N/A	1.25	N/A	15	15	30	15	30	100	
Downtown Center 3: Office (DC-3)	5,000	50	N/A	50% ^(N12)	N/A	80%	35	N/A	1.50 ^(N13)	N/A	15 ^(N3)	10	20	10	20	25	
Downtown Center 4: Office/Residential Transition (DC-4)	5,000	50	N/A	35%	N/A	60%	35	N/A	1.00	N/A	15 ^(N3)	10	20	10	20	25	
Downtown Center 5: Residential (DC-5)	5,000	50	N/A	35%	N/A	60%	35	N/A	0.70	N/A	15 ^(N3)	10	20	10	20	25	
Hamlet Center (HC)	5,000	50	35%	35%	N/A	60%	35	0.50	0.50	N/A	25	15	30	25	50	25	
Village Center (VC)	5,000	50	80%	80%	N/A	100%	35	1.00	1.00	N/A	10	0	0	10	20	25	
Business Center (BC)	20,000	100	15%	20%	30%	75%	35 ^(N6)	0.15	0.20	0.30	50 ^(N4)	15	30	25	40	25	
Shopping Center (SC)	40,000	200	15%	20%	30%	75%	35	0.15	0.20	0.30	50 ^(N4)	25	50	25	50	50	
Destination Retail Center (DRC)	40,000	200	10%	15%	30%	75%	35 ^(N6)	0.10	0.20	0.30	50 ^(N5)	25	50	25	50	50	
Commercial/Residential Campus (CRC) (N7)(N8)(N11)	40,000	200	20%	25%	N/A	60%	35	0.20	0.50	N/A	30	15	30	25	40	50	
Riverfront Corridor (RFC)	80,000	200	8%	N/A	N/A	25%	35 ^(N10)	0.15	N/A	N/A	100	30	60	100	130	100	
Rural Corridor (RLC)	40,000	200	10%	10%	N/A	25%	35	0.10 ^(N9)	0.10 ^(N9)	N/A	50	25	50	50	100	50	
Business (PB)	40,000	50	N/A	30%	N/A	80%	35	N/A	1.50	N/A	50	15	30	50	65	50	
Business (CR)	40,000	200	15%	15%	N/A	75%	35	0.20	0.20	N/A	30	25	50	30	60	25	
Tourism/Resort Campus (TRC)	80,000	200	8%	N/A	N/A	25%	35 ^(N10)	0.15	N/A	N/A	100	30	60	100	130	100	
Industrial A (Ind A)	80,000	200	40%	40%	N/A	70%	30	0.40	0.40	N/A	100	50	100	50	100	75	
Industrial C (Ind C)	80,000	300	40%	40%	N/A	60%	30	0.40	0.40	N/A	30	30	60	30	60	50	
Manufacturers Outlet Center	120,000	200	10%	20%	30%	N/A	40%	34	0.40	0.60	N/A	50 ^(N5)	25	50	25	50	50
Peconic River Community (PRC)	80,000	200	20%	30%	N/A	40%	34	0.40	0.60	N/A	25	15	30	15	30	50	
Planned Industrial Park (PIP) District	See § 301-186																
Planned Recreational Park (PRP) District	See § 301-191C																

NOTES:

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02 - 01 - 2019

^{N1} Maximum height for townhouse uses shall be 35 feet.

^{N2} ~~Not to exceed five stories.~~

^{N3} Front porches may extend up to five feet into the front yard, provided that they are at least five feet back from the front property line.

^{N4} Thirty-five feet of the front yard in the BC and SC Zoning Use Districts shall remain unoccupied as landscaped area, with the exception of freestanding signs and access driveways.

^{N5} Fifty feet of the front yard in the DRC Zoning Use District and Manufacturers Outlet Center shall remain unoccupied as landscaped area, with the exception of freestanding signs and access driveways.

^{N6} Preservation credits may be used to increase the height to 50 feet.

^{N7} The minimum floor area of a townhouse shall be 900 square feet.

^{N8} Two-family residences shall require a lot of 40,000 square feet and shall employ the use of one preservation credit for the second dwelling unit.

^{N9} The floor area ratio (FAR) for retail stores or shops shall be calculated utilizing the frontage along the major arterial highway to a depth of no more than 500 linear feet.

^{N10} Not to exceed two stories.

^{N11} Residential yields shall be calculated at one dwelling unit per 40,000 square feet of lot area with the capacity to meet the relevant floor area ratio predicated upon the redemption of one transferred development right per additional dwelling unit.

^{N12} Building lot coverage for a townhouse use shall not exceed 7.5%.

^{N13} Floor area ratio for a townhouse use shall not exceed 0.15.

^{N14} Refer §301-142 through 143

- Underscore represents addition(s)
- Overstrike represents deletion(s)

Dated: Riverhead, New York
April 5, 2022

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
DIANE M. WILHELM, Town Clerk**

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-276**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 301 ZONING AND LAND
DEVELOPMENT CHAPTER 301. ZONING AND LAND DEVELOPMENT PART 3.
SUPPLEMENTARY REGULATIONS ARTICLE XLVII SUPPLEMENTARY AREA
REGULATIONS”**

Councilman Beyrodt Jr. offered the following resolution,
which was seconded by Councilman Rothwell

RESOLVED, The Town Clerk is hereby authorized to publish the attached Public Notice to consider a Local Law to amend Chapter 301 Zoning And Land Development PART 3. "SUPPLEMENTARY REGULATIONS ARTICLE XLVII. SUPPLEMENTARY AREA REGULATIONS" of the Riverhead Town Code once in the April 14th, 2022 issue of The News-Review Newspaper, The Newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

<p>A. Type of Legislation Resolution <u>XXX</u> Local Law</p>		
<p>B. Title of Proposed Legislation: Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Zoning and Land Development Chapter 301. Zoning and Land Development Part 3. Supplementary Regulations Article XLVII Supplementary Area Regulations" Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Zoning and Land Development Chapter 301. Zoning and Land Development Part 3. Supplementary Regulations Article XLVII Supplementary Area Regulations"</p>		
<p>C. Purpose of Proposed Legislation:</p>		
<p>D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u>XXX</u></p>		
<p>E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable:</p> <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or</p> <p>(b) The description/explanation of fiscal impact is set forth as follows:</p>		
<p>F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years</p>		
<p>G. Proposed Source of Funding Appropriation Account to be Charged:</p> <p>Grant or other Revenue Source:</p> <p>Appropriation Transfer (list account(s) and amount):</p>		
<p>H. Typed Name & Title of Preparer: Karen Occhiogrosso</p>	<p>I. Signature of Preparer</p> <p>Karen Occhiogrosso Karen Occhiogrosso</p>	<p>J. Date 3/30/22</p>
<p>K. Accounting Staff Name & Title William Rothhaar, Accounting Department</p>	<p>L. Signature of Accounting Staff</p> <p><i>William Rothhaar</i> William Rothhaar</p>	<p>M. Date 4/04/22</p>

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held before the Town Board of the Town of Riverhead, at 200 Howell Avenue, Riverhead, New York on the 3rd day of May, 2022 at 2:15 p.m. to amend Chapter 301 of the Riverhead Town Code entitled, "ZONING AND LAND DEVELOPMENT" as follows:

Part 3. Supplementary Regulations
Article XLVII. Supplementary Area Regulations

§ 301-246. Building area and setback.

~~[Amended 6-16-1987]~~

~~Notwithstanding any other provision of this chapter, the Town Board may, by special permit, allow within the Riverhead Public Parking District No. 1 a minimum front yard depth of zero feet and/or a total building area of up to 100% of the area of a parcel of land held in one ownership, either by erection of a new building or by alteration or extension of an existing building.~~

Dated: Riverhead, New York
April 5, 2022

* Underline represents addition(s)
* Overstrike represents deletion(s)

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD**

DIANE M. WILHELM, Town Clerk

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-277****PUBLISH AND POST FOR PUBLIC HEARING TO AMEND CHAPTER 301 OF THE
CODE OF THE TOWN OF RIVERHEAD TO INCLUDE CHAPTER 301-222.1 SMALL
LOT ORDINANCE**

Councilman Rothwell offered the following resolution,
which was seconded by Councilman Kern

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 301 to include Chapter 301-222.1 entitled, "Small Lot Ordinance" of the Riverhead Town Code once in the April 14, 2022 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution _____ Local Law <u><input checked="" type="checkbox"/></u>		
B. Title of Proposed Legislation: Publish and Post for Public Hearing to Amend Chapter 301 of the Code of the Town of Riverhead to Include Chapter 301-222.1 Small Lot Ordinance		
C. Purpose of Proposed Legislation: Public hearing for code amendment		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u><input type="checkbox"/></u> No <u><input checked="" type="checkbox"/></u>		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or</p> <p>(b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Heather Trojanowski	I. Signature of Preparer Heather Trojanowski Heather Trojanowski	J. Date 4/5/2022
K. Accounting Staff Name & Title William Rothaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothaar</i> William Rothaar	M. Date 4/04/22

SMALL LOT ORDINANCE

Chapter 301. Zoning

Article XLV. Supplementary Use Regulations

§ 301-222.1. Small Lot Ordinance

A.

These provisions shall apply to all buildings or structures and all uses of buildings or structures or lots lawfully existing prior to the effective date of this chapter or of subsequent amendments, revisions or reenactments of such chapter, which buildings or structures or uses do not conform to the provisions of said original zoning law or to such revisions or reenactments on their effective dates.

B.

A nonconforming building or structure that is devoted to a conforming use may be enlarged, reconstructed, structurally altered, restored or repaired, in whole or in part, except that the degree of nonconformity shall not be increased.

C.

A nonconforming lot separately owned and not adjoining any lot or land in the same ownership at the effective date of this chapter and not adjoining any lot or land in the same ownership at any time subsequent to such date may be used, or a building or structure may be erected on such lot for use, in accordance with all the other applicable provisions of this chapter, provided that proof of such separate ownership is submitted in the form of an abstract of title showing the changes of title to said lot, which abstract shall be in the usual form, shall be certified by an attorney or a company regularly doing such work in Suffolk County or by a corporation duly licensed to examine and insure title to real property in Suffolk County and shall contain a certification that no contiguous property was owned by an owner of the property involved since the date of any previously applicable zoning law. Such lot shall be granted relief for side and rear yard dimensions and lot coverage as follows:

(1)

The total dimensions of both side yards for a principal building shall be computed on the basis of 0.4 of the lot width; however, no side yard dimension shall be less than 0.4 of the total dimensions of both side yards computed as aforesaid, and no side yard dimension shall be less than 10 feet.

(2)

The total rear yard dimension for a principal building shall be computed on the basis of 0.3 of the lot depth; however, no dimension for the rear yard of a principal building shall be less than 30 feet.

(3)

In the case of a single and separate lot meeting the requirements of Subsection B of this section for a buildable lot which is located in a minor or major subdivision plat approved by the Planning Board of the Town of Riverhead and filed with the Suffolk County Clerk's Office, relief for all front, side and rear yard and area dimensions shall be granted to the extent that such front, side and rear yard and area dimensions were required at the time the map was originally filed as required by law.

(4)

Lot coverage:

Lot Area	Maximum Impervious Surface
0 – 39,999	20%
40,000 – 59,999	15%
60,000 – 79,999	15%

(5)

Accessory structure setbacks (residential only):

Lot Area	Side and Rear Yards (feet)	Side/Rear Street Line (feet)
0 – 39,999	10	20
40,000 – 59,000	10	30
60,000 and greater	10	40

C.

An existing building or structure designed and used for a conforming use but located on a nonconforming lot, whether the building is conforming or nonconforming with respect to lot coverage and minimum yard requirements, may be enlarged, reconstructed, structurally altered, restored or repaired, in whole or in part, except that the degree of nonconformity shall not be increased.

D.

Notwithstanding the provisions of § 301-222.1B, where a legally existing substandard lot comes into the same record ownership as one or more adjacent lots solely by reason of the death of a previous record owner, the owner of said lots in the same record ownership shall have three years from the date of death of the previous owner causing the lots to be in the same ownership to place the lots into single and separate ownership. Failure to place lots in single and separate ownership within said parcel shall result in the merger of substandard lots for zoning purposes.

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 3rd day of May, 2022 at 2:20 p.m. to amend Chapter 301 of the Riverhead Town Code to include Chapter 301-222.1 "Small Lot Ordinance". The meeting will also be held electronically via a digital meeting service, with the meeting link and information posted to the Town's website prior to the meeting at www.townofriverheadny.gov.

Dated: April 14, 2022
Riverhead, New York

BY THE ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
DIANE M. WILHELM, Town Clerk

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-278**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 301 ENTITLED "CHAPTER 301
ZONING AND LAND DEVELOPMENT, ATTACHMENT I "PARKING SCHEDULE" OF
THE RIVERHEAD TOWN CODE**

Councilman Kern offered the following resolution,
which was seconded by Councilman Hubbard

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 301 entitled " Chapter 301 Zoning and Land Development, Attachment I "Parking Schedule" of the Riverhead Town Code once in the April 14, 2022 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>XXX</u> Local Law		
B. Title of Proposed Legislation: Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Entitled "Chapter 301 Zoning and Land Development, Attachment I "Parking Schedule" of the Riverhead Town Code AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 301 ENTITLED "CHAPTER 301 ZONING AND LAND DEVELOPMENT, ATTACHMENT I "PARKING SCHEDULE" OF THE RIVERHEAD TOWN CODE		
C. Purpose of Proposed Legislation:		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u>XXX</u>		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or</p> <p>(b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged:		
Grant or other Revenue Source:		
Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Karen Occhiogrosso	I. Signature of Preparer Karen Occhiogrosso Karen Occhiogrosso	J. Date 3/30/22
K. Accounting Staff Name & Title William Rothhaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothhaar</i> William Rothhaar	M. Date 4/04/22

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC
HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 3rd day of May, 2022 at 2:25 o'clock p.m. to amend Chapter 301 Attachment I "Parking Schedule" of the Riverhead Town Code.

Be it enacted by the Town Board of the Town of Riverhead as follows:

**CHAPTER 301
Zoning and Land Development
Attachment I "Parking Schedule"**

ZONING AND LAND DEVELOPMENT

301 Attachment 1

Town of Riverhead

Parking Schedule

**[Amended 12-18-1973; 5-17-1977; 6-20-1978; 12-18-1979; 5-15-1984; 10-6-1992;
7-19-1994; 9-18-2012 by L.L. No. 22-2012; 10-16-2013 by L.L. No. 16-2013; 6-7-2016 by
L.L. No. 18-2016; 6-21-2016 by L.L. No. 22-2016]**

Parking Use	Minimum Number of Spaces
One-family and two-family dwellings	1 per dwelling unit
Multiple dwellings	1 1/2 per dwelling unit
Hotels, motels, tourist homes, cabins, lodging, rooming and boarding houses	1 per guest sleeping room or suite
Fraternities, sororities or dormitories	1 per 2 sleeping rooms
Hospitals	1 per 1 1/2 patient beds
Sanatoriums or convalescent homes	1 per 3 patient beds
Medical or dental office	1 per 150 square feet of floor area
Mortuary or funeral directors' establishments	1 per 75 square feet of floor area of assembly rooms
Bowling alleys	4 per alley

Theaters, auditoriums or any public assembly area with fixed seats, including churches, schools above elementary levels, colleges and universities	1 per 3 seats
Movie theaters	1 per 4 seats
Any public assembly area without fixed seats	1 per 100 square feet of floor area
Elementary schools	1 per classroom
Office buildings	1 per 200 square feet of floor area
Restaurants	1 per 3 seats
Retirement community	1 1/2 per dwelling unit
Marinas	1 per every 2 boat slips or mooring stations
Retail stores	1 per 250 square feet of floor area
Industrial or manufacturing establishments	1 per each 2 employees, computed on the basis of the greater number of persons to be employed at peak employment, but not less than 1 per 400 square feet of floor area

RIVERHEAD CODE

Parking Use	Minimum Number of Spaces
Any commercial or business use not otherwise expressly provided for	1 per 300 square feet of floor area
Warehouse, etc.	1 per 1,000 square feet of floor area up to 5,000 square feet, and 1 additional space for each additional 10,000 square feet of floor area
Drive-in restaurant, etc.	1 per 300 square feet of lot area devoted to use
Golf driving range	1 per driving tee
Golf course	2 per hole
Professional service buildings	1 per 150 square feet of floor area
Bed-and-breakfast facilities	1 per sleeping room
Professional office in the MRP District	1 per 250 square feet of floor area
Residential uses in the MRP District	1 1/2 per dwelling unit

Residential Parking Use Downtown Center Zoning Districts 1,2, 3 and 4 ONLY

<u>One-family and two-family dwellings</u>	<u>1 per dwelling unit</u>
<u>Multiple dwellings</u>	<u>minimum 1.00 maximum 1.25 per dwelling unit</u>
<u>Apartment/Townhouse</u>	<u>Studio/One Bedroom minimum .50 maximum 1.00 per dwelling unit and Two Bedroom minimum 1.00 maximum 1.25 per dwelling unit</u>
<u>Hotel/Motel/Lodges/Inns</u>	<u>minimum 1.00 maximum 1.25 per sleeping unit or suite</u>

- Underscore represents addition(s)
- Overstrike represents deletion(s)

Dated: Riverhead, New York
April 5, 2022

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
DIANE M. WILHELM, Town Clerk**

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-279**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 301 ARTICLE XLV ENTITLED
"SUPPLEMENTARY USE REGULATIONS" OF THE RIVERHEAD TOWN CODE**

Councilman Hubbard offered the following resolution,
which was seconded by Councilman Beyrodt Jr.

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 301 Article XLV entitled "Supplementary Use Regulations" of the Riverhead Town Code once in the April 14, 2022 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>XXX</u> Local Law		
B. Title of Proposed Legislation: Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Article XLV Entitled "Supplementary Use Regulations" of the Riverhead Town Code Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Article XLV Entitled "Supplementary Use Regulations" of the Riverhead Town Code		
C. Purpose of Proposed Legislation:		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u>XXX</u>		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p style="margin-left: 20px;">(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Karen Occhiogrosso	I. Signature of Preparer Karen Occhiogrosso Karen Occhiogrosso 4/5/2022	J. Date 3/30/22
K. Accounting Staff Name & Title William Rothhaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothhaar</i> William Rothhaar	M. Date 4/04/22

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC
HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 3rd day of May, 2022 at 2:30 o'clock p.m. to amend Chapter 301, Article XLV entitled "Supplementary Use Regulations" of the Riverhead Town Code.

Be it enacted by the Town Board of the Town of Riverhead as follows:

**CHAPTER 301
Zoning and Land Development**

Article XLV. Supplementary Use Regulations

§ 301-231 (I) Off-Street Parking Requirements for Property Located within Public Parking District

1. Land provided by the Town of Riverhead for off-street parking shall not be used in determining the parking areas required by this chapter. However, where a public parking district has been created, the owner of property being used for other than any residential use within such district need not provide off-street parking areas required by this chapter.
2. All residential uses, including apartments, townhouses, hotels, or multi-family dwelling uses of property within a public parking district, the Planning Department through an official traffic count or similar prepared data by a licensed traffic engineer to determine peak demand for public parking off-street parking facilities within the district.
3. A determination that residential use for parking is less than and does not exceed 70% of available off –street parking facilities existing within the Parking District, upon recommendation from the Planning Department, the Planning Board or Town Board, as the case may be, may reduce the amount of parking required by the Parking Schedule set forth as Chapter 301 Attachment 1 under sub-heading “Residential Parking Use Downtown Center Zoning Districts 1,2, 3 and 4 ONLY” as deemed appropriate.
4. A determination that the proposed residential use exceeds 70% of available off –street parking facilities existing within the Parking District shall require off-street parking in the amount as set forth as required by the Parking Schedule set forth as Chapter 301 Attachment 1 “Residential Parking Use Downtown Center Zoning Districts 1,2, 3 and 4 ONLY”.
5. Payment in lieu of off-street parking (PILOP)
 - a. The purpose of this provision is to allow uses ie apartments and businesses located within the Downtown Center Zoning Districts 1,2, 3 and 4 ONLY to reduce the number of off-street parking requirements through payment

of a fee so as to meet the requirements set forth in this chapter. The payment shall be made into a special dedicated fund the Town will use to develop parking in the downtown area. The program (PILOP) is voluntary and has the following goals: creatively reduce parking requirement in the downtown area where appropriate; facilitate the construction and improvements of public parking; improve urban design; encourage shared parking, and support historic preservation. As set forth below, these provisions may be utilized for parking required for new construction or for an increase in required parking resulting from the change of use of an existing building.

(i) New Construction as defined in 301-231(C) shall be required to meet the criteria in D. above, but may satisfy the amount of parking subject to recommendation of approval by the Planning Department and approval by the Planning Board or Town Board, as the case may be, by providing no less than 2/3 of the number of required parking spaces and payment in lieu of parking to satisfy the remainder of the required parking.

(ii) Change of Use wherein building or structure is not altered or enlarged requiring additional parking may apply to the Board responsible for review for payment in lieu of parking to satisfy all required parking.

(b) All applications for payment in lieu of parking shall be made, in writing, to the Board responsible for review and each application shall fully set forth the circumstances of the case and specific provisions of the Town Code relevant and applicable to the application. The Board, at its discretion, may reasonably require further information, including but not limited to, plans, photographs, studies, etc to aid in the deliberation. The application must satisfy one or more of the goals identified above. The Board responsible for review, including Town Board and Planning Board, may retain consultants to assist the Board in the review of the application at the cost of the applicant.

(c) If the Board approves and accepts payment in lieu of parking pursuant to this provision, the applicant is not required to seek a variance with respect to compliance with the required minimum off street parking spaces for which a payment in lieu has been accepted as set forth above.

(d) A "parking improvement fund" a dedicated fund, is hereby created to receive revenue from in lieu payments. The fund shall be used to provide and enhance public parking facilities in the DC-1 zoning district or zoning districts proximate to DC-1 zoning district that may satisfy parking demands within the DC-1 zoning district, including purchase or sale of property; construction of parking facilities; transportation and vehicular improvements; planning, feasibility, environmental and other studies, and for professional fees, including but not limited to engineering, architectural and legal.

(e) Payment Fee shall be \$12,500.00 per parking space. This fee may be amended by resolution in the future. The payment of the fee shall be made in conjunction with the issuance of a building permit. Upon payment of in lieu of parking fees, applicant shall receive a nontransferable certificate for each space that would otherwise be required by Town parking requirements.

6. Note, the requirements for off-street parking spaces for apartments, hotels, or multi-family dwelling uses as set forth in 201-231(B)(C) and (D) shall not be

applicable to any lots improved with, or having final site plan for, such residential use prior to the effective date of this amendment. Such improved properties shall be entitled to maintain the existing lot areas and setbacks without requirement of providing off-street parking, except that any enlargement, alteration resulting in an increase of the residential use shall require off-street parking in proportion to the increase. In addition, applications for site plan, special permit, or commercial development and redevelopment of property less than 40,000 sq. feet filed on or before January 20, 2021 and said applicants participated in one or a series of pre-submission conference with the Riverhead Planning and Building Department and as a result of said conferences submitted modified and amended plans and designs by licensed engineer and architect to meet recommendations of pre-submission conference(s) shall be exempt from only that portion of 301-231(l)5(a) that sets forth the requirement to provide no less than 2/3 of the number of required parking spaces and instead applicant shall be permitted to make payment in lieu of parking to satisfy all parking.

- Underscore represents additions(s)
- Overstrike represents deletion(s)

Dated: Riverhead, New York
April 5, 2022

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
DIANE M. WILHELM, Town Clerk**

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-280**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 271 ENTITLED “SMOKING” OF
THE RIVERHEAD TOWN CODE**

Councilman Beyrodt Jr. offered the following resolution,
which was seconded by Councilman Rothwell

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 271 entitled “SMOKING” of The Riverhead Town Code Once in the April 14th, 2022 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>XXX</u> Local Law		
B. Title of Proposed Legislation: Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 271 Entitled "Smoking" of the Riverhead Town Code AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 271 ENTITLED "SMOKING" OF THE RIVERHEAD TOWN CODE		
C. Purpose of Proposed Legislation:		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u>XXX</u>		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Karen Occhiogrosso	I. Signature of Preparer Karen Occhiogrosso Karen Occhiogrosso 4/5/2022	J. Date 3/28/22
K. Accounting Staff Name & Title William Rothaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothaar</i> William Rothaar	M. Date 4/04/22

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held before the Town Board of the Town of Riverhead, at 200 Howell Avenue, Riverhead, New York on the 3rd day of May, 2022 at 2:35 p.m. to amend Chapter 271 of the Riverhead Town Code entitled, "SMOKING " as follows:

Chapter 271. Smoking

§ 271-1. Findings; and intent.

A.

~~This Legislature hereby finds and determines that human health is seriously threatened by exposure to environmental tobacco smoke (ETC) and that recent findings by the Federal Environmental Protection Agency (EPA) make clear that ETS, or secondhand smoke, is a human carcinogen responsible for 3,000 lung cancer deaths each year in nonsmokers.~~

At least four decades ago, our federal and state governments studied and reported on the overwhelming evidence that tobacco use and second hand smoke (SHS) also known as environmental tobacco smoke (ETC), a mixture of chemical compounds released into the air as gases and fine particles with at least 69 of the compounds identified as carcinogens or cancer-causing agents, caused a great health risk. In 2000, New York created the New York State Tobacco Control program (NYS TCP) and through the NYS TCP effectively implemented the Clean Indoor Air Act (CIAA) (Public Health Law, Article 13-E) which prohibited smoking in workplaces, bars, restaurants and other establishments and strongly enforced laws that restrict minors' access to tobacco. In the past decade other less traditional methods of tobacco use, i.e. electronic cigarettes that delivers vapor which is inhaled by an individual user, requiring amendment to provisions of Public Health Law to address these methods of tobacco use. On March 31, 2021, the Marihuana Regulation & Taxation Act (MRTA) was signed into law. The MRTA legalized adult use cannabis (also known as marijuana) and amended the Public Health Law in relation to the definition of smoking. While the Town made findings and determinations regarding human health and adopted Local Law No. 7-2014, due to the changes in law and methods of tobacco and cannabis use, the Town seeks to amend and update the Town Code related to smoking and use prohibitions to promote a healthy and safe environment for all individuals, especially children.

B.

~~This Legislature also finds and determines that although smoking is prohibited in Town facilities within the Town of Riverhead, people seeking access to these facilities can still be exposed to secondhand smoke as they seek to enter such public buildings. The Town of Riverhead declares and finds it to be in the public's interest to provide for regulation of~~

~~certain conduct in public places by protecting smoking and tobacco use by persons at nondesignated areas. The odor from smoking tobacco products and litter caused by improper disposal of cigarette butts in public areas can significantly reduce the enjoyment of a healthy and wholesome environment free of smoking-related pollution. By prohibiting smoking at public areas, the Town desires to promote and enhance the healthy and wholesome environment and its safe enjoyment by all individuals, especially children.~~

The Town Board of the Town of Riverhead determines and finds that Town-owned public buildings, accessed by all citizens of the Town of Riverhead, and Town-owned beaches, playgrounds and parks, with improvements predominately for the purpose of providing recreation for children, young adults and families, such that in order to protect and promote the public health, safety and welfare of the employees and citizens of the Town of Riverhead, it is necessary to restrict the acts of smoking and tobacco and cannabis use in and around Town-owned buildings, parks, recreation areas and playgrounds. This provision does not address nor is it intended to prohibit certified medical marijuana consumption in an ingestible and non-smoking form by a certified patient.

C.

Smoking and tobacco use are not prohibited in areas specifically designated and suitably equipped for that purpose.

§ 271-2. Definitions.

As used in this chapter, the following terms, phrases, words, and their derivatives shall have the meanings given:

CANNIBIS

Cannabis means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

CANNABIS OR CANNABIS-INFUSED PRODUCTS

Cannabis or Cannabis-infused products means products that have been manufactured and contain either cannabis or concentrated cannabis and other ingredients that are intended for use or consumption.

ELECTRONIC CIGARETTE OR E-CIGARETTE

Electronic cigarette or e-cigarette means an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge and any other component of such a device.

SMOKING

To inhale or exhale the smoke of burning tobacco or tobacco substitute and also to carry burning tobacco or tobacco substitute in the form of a cigarette, cigar, or any other smoke-producing product or device, including pipes. Smoking means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or cannabis including the use of an electronic smoking device that creates an aerosol or vapor.

TOBACCO OR TOBACCO-INFUSED PRODUCT

"Tobacco or Tobacco-infused product" means any product, made wholly or in part of tobacco or of any other substance, irrespective of size or shape and whether or not such tobacco or substance is flavored, adulterated or mixed with any other ingredient, intended for consumption.

TOBACCO USE

Includes smoking and the chewing of tobacco.

TOWN-OWNED BEACHES, PARKS AND PLAYGROUNDS

"Town-owned beaches, parks and playgrounds" includes all beaches, parks, playgrounds and recreation areas owned, leased, used, operated and maintained by the Town of Riverhead, including, but not limited to, Amerman Park, Bayberry Park, Grangebel Park, Stotsky Park, South Jamesport Beach, Veterans Memorial Park, and Wading River Beach.

TOWN OWNED BUILDING

"Town-owned building" means any building, structure or enclosed outdoor area owned, leased, used or operated by the Town of Riverhead or any of its departments and used for the conduct of public business, including, but not limited to, the Town Hall, Highway Department, and Town Justice Court and any buildings, structures or enclosed areas located at any Town-owned park, recreation area or playground.

§ 271-3. Smoking and tobacco use prohibited in certain locations.

A.

It shall be a violation of this chapter for any person to smoke or carry lighted cigarettes or other smoking devices, including but not limited to cigars, cigarette, pipes, and the like, in Town of Riverhead parks, recreation areas, playgrounds, and beaches. Such conduct is prohibited except where conspicuously designated "Smoking Permitted" or otherwise.

It shall be a violation of this chapter for any person to smoke tobacco or cannabis, including the use of an electronic smoking device that creates an aerosol or vapor, and

use of tobacco or cannabis (commonly referred to as marijuana) products at all town-owned buildings and beaches, parks, playgrounds and recreational areas, except where conspicuously designated "Smoking Permitted" or otherwise.

B.

~~Smoking is prohibited within a fifty foot radius of all entrances to all Town buildings and facilities within the Town of Riverhead which are either owned or leased by the Town of Riverhead and which are designated as accessible by the public.~~

In addition to § 271-3(A) above, the smoking of tobacco or cannabis, including the use of an electronic smoking device that creates an aerosol or vapor, and use of tobacco or cannabis (commonly referred to as marijuana) products is prohibited within 50' of the property boundary of all town-owned buildings not located in at a beach, park, playground or recreation area.

C.

In addition to § 271-3(A) above, the smoking of tobacco or cannabis, including the use of an electronic smoking device that creates an aerosol or vapor, and use of tobacco or cannabis (commonly referred to as marijuana) products is prohibited within 500' of the property boundary of all town-owned buildings located within a beach, park, playground or recreation area and within 500' of the boundary of all town-owned beaches, parks, playground and recreation areas.

C.

D.

The Town further determines and declares that all Town-owned of Riverhead owned parks, recreation areas and playgrounds, and recreational areas shall be designated as tobacco and cannabis free zones. "Tobacco-Free Zones."

D.

E.

Except as otherwise provided in this Code, smoking and/or tobacco or cannabis use in areas designated as "Smoking Permitted" are not to be considered conduct in violation of this chapter.

§ 271-4. Penalties for offenses.

A person who commits or permits any acts in violation of any provisions of this chapter shall be deemed to have committed an offense against this chapter and shall be liable for such violation and the penalty therefor and shall, upon conviction thereof, be subject to a fine or penalty of not less than \$50150.00 and not more than \$100250.00.

Dated: Riverhead, New York
April 5, 2022

- * Underline represents addition(s)
- * Overstrike represents deletion(s)

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-281**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 251 OF THE RIVERHEAD TOWN
CODE ENTITLED “NOISE, PUBLIC NUISANCES AND PROPERTY
MAINTENANCE”**

Councilman Rothwell offered the following resolution,
which was seconded by Councilman Kern

NOW, THEREFORE, BE IT RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 251 of the Riverhead Town Code entitled “NOISE, PUBLIC NUISANCES AND PROPERTY MAINTENANCE” once in the April 7th, 2022 issue of the News Review newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 251 “NOISE, PUBLIC NUISANCES AND PROPERTY MAINTENANCE” to be posted on the sign board of the Town; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u>XXX</u> Local Law		
<p>A. Title of Proposed Legislation: Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 251 of the Riverhead Town Code Entitled "Noise, Public Nuisances and Property Maintenance" AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE</p> <p>B. TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 251 OF THE RIVERHEAD TOWN CODE ENTITLED "NOISE, PUBLIC NUISANCES AND PROPERTY MAINTENANCE"</p>		
C. Purpose of Proposed Legislation:		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u>XXX</u>		
<p>E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable:</p> <p>(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J;</p> <p style="text-align: center;">or</p> <p>(b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
<p>G. Proposed Source of Funding</p> <p>Appropriation Account to be Charged:</p> <p>Grant or other Revenue Source:</p> <p>Appropriation Transfer (list account(s) and amount):</p>		
H. Typed Name & Title of Preparer: Karen Occhiogrosso	I. Signature of Preparer Karen Occhiogrosso Karen Occhiogrosso	J. Date 3/22/22
K. Accounting Staff Name & Title William Rothhaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothhaar</i> William Rothhaar	M. Date 3/29/22

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held before the Town Board of the Town of Riverhead, at 200 Howell Avenue, Riverhead, New York on the 19th day of April, 2022 at 6:05 p.m. to amend Chapter 251 of the Riverhead Town Code entitled, "NOISE, PUBLIC NUISANCES AND PROPERTY MAINTENANCE" as follows:

Chapter 251. Noise, Public Nuisances and Property Maintenance

Article I. Noise

§ 251-1. Definitions; word usage.

NOISE

Any airborne sound of such level and duration as to be or tend to be injurious to human health or welfare or that would unreasonably interfere with the enjoyment of life or property.

NOISE POLLUTION

The presence of that amount of acoustic energy for that amount of time necessary to:

- (1) Cause temporary or permanent hearing loss in persons exposed;
- (2) Be otherwise injurious or tend to be, on the basis of current information, injurious to the public health or welfare;
- (3) Cause a nuisance;
- (4) Exceed standards or restrictions established herein; or
- (5) Interfere with the comfortable enjoyment of life and property or the conduct of business. The following are deemed to interfere with the comfortable enjoyment of life and property or the conduct of business:

(a) Yelling, shouting, hooting, whistling or singing on the public streets or from private property at any time that annoys or disturbs the quiet comfort or repose of person or persons in the vicinity and that such noise is plainly audible at a distance of 50 feet from the area, building, structure or vehicle from which such noise emanates.

(b) The using or operating of or permitting to be played, used or operated any sound reproductive device as defined herein, including but not limited to any radio, receiving set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound from a sound source site in such manner as to be plainly audible from a neighboring inhabitants real property line, in a manner that does disturb the peace, quiet and comfort of the neighboring inhabitants. and in such a manner as to be plainly audible at a distance of 50 feet from the area, building, structure or vehicle in which it is located.

PERSON

An individual, association, firm, syndicate, company, trust, corporation, department, bureau or agency or any other entity recognized by law as the subject of rights and duties

PLAINLY AUDIBLE

Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic bass component of the music is sufficient to constitute the sound being plainly audible.

UNREASONABLE NOISE

Any excessive or unusually loud sound or any sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities or which causes injury to animal life or damage to property or business, except the sound from raceways pursuant to Chapter 259, Raceways, and to agricultural operations. Standards to be considered in determining whether unreasonable noise exists in a given situation include, but are not limited to, the following:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is usual or unusual.
- (5) The volume and intensity of the background noise, if any.
- (6) The proximity of the noise to residential sleeping facilities.
- (7) The nature and zoning district of the areas within which the noise emanates.
- (8) The time of day or night the noise occurs.
- (9) The time duration of the noise.
- (10) Whether the sound source is temporary.
- (11) Whether the noise is continuous or impulsive.
- (12) Whether the noise is *plainly audible* and causing *noise pollution* as defined herein.
- (14) Whether the noise is scheduled and routinely transmitted from a particular sound source site on certain days of the week for prolonged durations.

§ 251-5. Prohibited acts.

No person shall make, continue or cause or suffer to be made or continued any unreasonable noise or noise pollution as defined in § **251-1** hereof. In particular, without limitations of the foregoing provision of this section, the following enumerated acts are declared to be in violation of this section:

A. Sound reproduction devices.

(1) No person shall operate or cause to be operated a sound reproduction device that produces unreasonable noise or noise pollution as defined in 251-1 of this chapter. The operation of any such device in such a manner as to create unreasonable noise or noise pollution across a person(s) real property line boundary or the operation of such device by a passenger of a vehicle in such a way as to disturb any other person is prohibited.

(2) No person shall operate, use or cause to be operated or used any sound reproduction device for commercial or business advertising purposes or for the purposes of attracting attention to any performance, show or sale or display of merchandise in connection with any commercial operation, including but not limited to the sale of radios, televisions, phonographs, tape recorders, phonograph records or tapes; in front or outside of any building, place or premises abutting or adjacent to a public street, park or place, where the sound therefrom may be heard upon any public street, park or place or from any stand, platform or other structure; or on a boat or on the waters within the jurisdiction of the Town of Riverhead; or anywhere on public streets, parks or places. Nothing in this subsection is intended to prohibit sounds emanating from sporting, entertainment or other public events held on property of the Town of Riverhead or School District so suited for such activities, provided that proper authorization from the Town of Riverhead has been obtained.

§ 251-8. Penalties for offenses.

~~A. Any person who violates any provision of this article shall be guilty of a violation and shall be subject to a fine not to exceed \$250 for each offense.~~

~~B. Each day (twenty-four-hour period) of violation of any provision of this article shall constitute a separate offense.~~

Each violation of this article shall be punishable as follows:

- A. For the first offense, no less than \$250, but no more than \$750. E
- B. For the second offense of a noise event, no less than \$750, but no more than \$1,500.

C. For the third offense of a noise event, of which is committed within any one (1) year period, no less than \$1,500, but no more than \$2,500.

D. Each noise event permitted to continue or exist shall constitute a separate additional offense subject to the penalty provisions in § 251-8 B and C, as applicable. For the purposes of this section §251-8, a noise event shall be an event which may occur 15 minutes after the first offence, or up to thirty (30) days thereafter whereby a summons has already been issued and properly served upon any person as defined herein.

Dated: Riverhead, New York
April 5, 2022

* Underline represents addition(s)
* Overstrike represents deletion(s)

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-282****GRANTS EXCAVATION/EXPORTATION PERMIT AS PROVIDED BY CHAPTER 229**
TO RIVERHEAD CHRYSLER, DODGE, JEEP RAM

Councilman Kern offered the following resolution,
which was seconded by Councilman Hubbard

WHEREAS, by Town Board Resolution No.2021-108, dated November 04, 2021, the Planning Board did approve the site plan application of Riverhead Chrysler, Dodge, Jeep Ram, to allow the site modifications, grading, drainage & lighting all upon real property known and designated as 1716 Old Country Road Riverhead, further described as Suffolk County Tax Map Nos. 600-101-01-10.21 and

WHEREAS, Riverhead Chrysler, Dodge, Jeep Ram, has petitioned the Town Board for an excavation permit pursuant to Chapter 229 of the Riverhead Town Code to excavate and export of 5373 cubic yards of earthen material from this parcel for the development; and

WHEREAS, Thomas John Petracca PE, has submitted a signed and sealed earthwork plan, dated October 08, 2021, that is in accordance with the approved Site Plan; and

WHEREAS, the Town Board has reviewed and considered the application for the aforementioned excavation/exportation permit.

NOW THEREFORE BE IT RESOLVED that based upon the forgoing the Town Board hereby grants the excavation permit requested by the applicant, such permit to authorize the exportation of not more than 5373 cubic yards of soils in accordance with the application and calculations of Thomas John Petracca, PE, and in accordance with necessary approvals and permits; and be it further

RESOLVED, the Building Department is hereby authorized to accept and collect a permit fee of \$10,746.00; representing \$2.00 per cubic yard for the exportation of said soils, in addition to a permit fee of \$100.00; and be it further

RESOLVED, that all other provisions of Chapter 229 being hereby waived; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Riverhead Chrysler Dodge Jeep Ram, the Building Department, and that all Town Hall Departments may review and obtain a copy of this resolution from electronic storage device, and if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u> X </u> Local Law		
B. Title of Proposed Legislation: Grants Excavation Permit for Riverhead Chrysler, Dodge, Jeep Ram		
C. Purpose of Proposed Legislation: Excavation Permit		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u> X </u>		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p style="margin-left: 20px;">(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: Grant or other Revenue Source: Fee to be collected from applicant Appropriation Transfer (list account(s) and amount): 		
H. Typed Name & Title of Preparer: Andreas Sofoklis	I. Signature of Preparer Andreas Sofoklis Andreas Sofoklis, Sr. Building Inspector	J. Date 3/21/22
K. Accounting Staff Name & Title	L. Signature of Accounting Staff	M. Date

04.05.2022

SCHEDULED**TOWN OF RIVERHEAD****TB Resolution 2022-283****PAYS BILLS**

Councilman Hubbard offered the following resolution,
which was seconded by Councilman Beyrodt Jr.

THE VOTE

**FISCAL IMPACT STATEMENT
OF PROPOSED RIVERHEAD TOWN BOARD LEGISLATION**

A. Type of Legislation Resolution <u> X </u> Local Law		
B. Title of Proposed Legislation: Pays Bills Pays Bills		
C. Purpose of Proposed Legislation: To authorize release of checks		
D. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u> X </u>		
E. If the answer to section D is "yes", select (a) or (b) below and initial or detail as applicable: <p style="margin-left: 20px;">(a) The fiscal impact can be absorbed by Town/department existing resources set forth in approved Town Annual Budget (example:routine and budgeted procurement of goods/services)*if selecting E(a), please initial then skip items F,G and complete H,I and J; or (b) The description/explanation of fiscal impact is set forth as follows:</p>		
F. If the answer to E required description/explanation of fiscal impact (E(b)), please describe total Financial Cost of Funding over 5 Years		
G. Proposed Source of Funding Appropriation Account to be Charged: See attachment. Grant or other Revenue Source: Appropriation Transfer (list account(s) and amount):		
H. Typed Name & Title of Preparer: Kathleen Schroehler	I. Signature of Preparer Kathleen Schroehler Kathleen Schroehler	J. Date 3/31/22
K. Accounting Staff Name & Title William Rothaar, Accounting Department	L. Signature of Accounting Staff <i>William Rothaar</i> William Rothaar	M. Date 4/04/22

Totals by Year-Fund		Expend Total	Revenue Total	G/L Total	Total
Fund Description	Fund				
General Fund	2-A01	56,983.50	0.00	0.00	56,983.50
Highway Fund	2-DA1	10,716.30	0.00	0.00	10,716.30
Riverhead Sewer District	2-ES1	2,041.20	0.00	0.00	2,041.20
Riverhead Scavenger Waste District	2-ES5	1,020.60	0.00	0.00	1,020.60
Water District	2-EW1	5,103.00	0.00	0.00	5,103.00
Refuse & Garbage Collection District	2-SR1	1,020.60	0.00	0.00	1,020.60
Total Of All Funds:		76,885.20	0.00	0.00	76,885.20

Totals by Year-Fund
Fund Description

Fund Expend Total Revenue Total G/L Total Total

General Fund	1-A01	97,988.47	0.00	0.00	97,988.47
Police Athletic League	1-A04	1,456.00	0.00	0.00	1,456.00
Riverhead Sewer District	1-ES1	64.16	0.00	0.00	64.16
Street Lighting District	1-SL1	7,451.22	0.00	0.00	7,451.22
Year Total:		106,959.85	0.00	0.00	106,959.85
General Fund	2-A01	638,681.82	0.00	39,962.53	678,644.35
Police Athletic League	2-A04	1,995.00	0.00	0.00	1,995.00
Recreation Program Fund	2-A06	2,642.11	50.00	0.00	2,692.11
East Creek Docking Facility Fund	2-CM2	1,024.76	0.00	0.00	1,024.76
Highway Fund	2-DA1	111,953.05	0.00	0.00	111,953.05
Riverhead Sewer District	2-ES1	28,204.87	0.00	0.00	28,204.87
Calverton Sewer District	2-ES3	7,275.01	0.00	0.00	7,275.01
Riverhead Scavenger Waste District	2-ES5	18,162.91	0.00	0.00	18,162.91
Water District	2-EW1	47,372.36	0.00	0.00	47,372.36
Street Lighting District	2-SL1	15,077.37	0.00	0.00	15,077.37
Ambulance District	2-SM1	700.00	0.00	0.00	700.00
Refuse & Garbage Collection District	2-SR1	1,143.75	0.00	0.00	1,143.75
Trust & Agency	2-TA1	0.00	0.00	146,741.06	146,741.06
Year Total:		874,233.01	50.00	186,703.59	1,060,986.60
Calverton Sewer Capital Projects	X-ES4	17,942.08	0.00	0.00	17,942.08
Water District Capital Projects	X-EW3	199,095.00	0.00	0.00	199,095.00
Capital Projects	X-H01	8,054.00	0.00	0.00	8,054.00
Year Total:		225,091.08	0.00	0.00	225,091.08
Total of All Funds:		1,206,283.94	50.00	186,703.59	1,393,037.53

Totals by Year-Fund		Fund	Expend Total	Revenue Total	G/L Total	Total
General Fund		1-A01	553.93	0.00	0.00	553.93
Highway Fund		1-DA1	1,295.16	0.00	0.00	1,295.16
Water District		1-EW1	44,335.01	0.00	0.00	44,335.01
Street Lighting District		1-SL1	4,910.00	0.00	0.00	4,910.00
	Year Total:		51,094.10	0.00	0.00	51,094.10
General Fund		2-A01	110,081.35	0.00	982.29	111,063.64
Police Athletic League		2-A04	704.00	0.00	0.00	704.00
Recreation Program Fund		2-A06	928.20	0.00	0.00	928.20
East Creek Docking Facility Fund		2-CM2	7.88	0.00	0.00	7.88
Highway Fund		2-DA1	1,097.02	0.00	0.00	1,097.02
Riverhead Sewer District		2-ES1	80.36	0.00	0.00	80.36
Calverton Sewer District		2-ES3	3,110.45	0.00	0.00	3,110.45
Riverhead Scavenger Waste District		2-ES5	34.98	0.00	0.00	34.98
Water District		2-EW1	8,221.89	0.00	0.00	8,221.89
Street Lighting District		2-SL1	162.50	0.00	0.00	162.50
Ambulance District		2-SM1	1,891.44	0.00	0.00	1,891.44
Trust & Agency		2-TA1	0.00	0.00	16,753.06	16,753.06
	Year Total:	2-Z14	35.51	0.00	0.00	35.51
	Year Total:		126,355.58	0.00	17,735.35	144,090.93
CDBG Consortium Account		X-CD4	5,100.00	0.00	0.00	5,100.00
Water District Capital Projects		X-EW3	203,261.76	0.00	0.00	203,261.76
Capital Projects		X-H01	61,566.31	0.00	0.00	61,566.31
	Year Total:		269,928.07	0.00	0.00	269,928.07
Total Of All Funds:			447,377.75	0.00	17,735.35	465,113.10

Range of Checking Accts: CENTRAL to CENTRAL Range of Check Ids: 22822 to 22824
Report Type: All Checks Report Format: Detail Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Charge Account	Reconciled/Void	Ref Num	
PO #	Item	Description			Account Type	Contract	Ref Seq Acct
22822	04/01/22	EUROP005 EUROPEAN AMERICAN WASTE DISPOS					239
P2-00552	2	REFUSE & GARBAGE CONTRACT 2022	269,329.13	SR1-8-8160-482-000-00000 Refuse - Waste Disposal	Expenditure		3 1
22823	04/01/22	JPETR005 J PETROCELLI DEVELOPMENT ASSOC					239
I2-00294	1	22APR 4/22 TWN HISTORIAN RENT	772.85	A01-7-7510-461-000-00000 Hist - Historian Bldg Rent	Expenditure		2 1
22824	04/01/22	UNITE045 UNITED WAY OF LONG ISLAND					239
I2-00290	1	22MAR DONATIONS PPE 3/26/22	4.00	TA1-645-T84-00000 Agency Liabilities - United Way	G/L		1 1

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	3	0	270,105.98	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	3	0	270,105.98	0.00

Totals by Year-Fund
Fund Description

	Fund	Expend Total	Revenue Total	G/L Total	Total
General Fund	2-A01	772.85	0.00	0.00	772.85
Refuse & Garbage Collection District	2-SR1	269,329.13	0.00	0.00	269,329.13
Trust & Agency	2-TA1	0.00	0.00	4.00	4.00
Total of All Funds:		270,101.98	0.00	4.00	270,105.98

Totals by Fund		Expend Total	Revenue Total	G/L Total	Total
Fund Description	Fund				
General Fund	A01	772.85	0.00	0.00	772.85
Refuse & Garbage Collection District	SR1	269,329.13	0.00	0.00	269,329.13
Trust & Agency	TA1	0.00	0.00	4.00	4.00
Total of All Funds:		270,101.98	0.00	4.00	270,105.98

Fund Description	Fund	Current	Prior Rcvd	Prior Open	Paid Prior	Fund Total
General Fund	2-A01	772.85	0.00	0.00	0.00	772.85
Refuse & Garbage Collection District	2-SR1	269,329.13	0.00	0.00	0.00	269,329.13
Total of All Funds:		270,101.98	0.00	0.00	0.00	270,101.98